



City of Sunnyvale

Notice and Agenda - Final Planning Commission

Monday, March 11, 2019

6:00 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting - Study Session - 6:00 PM | Special Meeting - Public Hearing 7 PM

6 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

- A.** [19-0368](#) Overview of Block 18 CityLine Project (Macy's Building)
Project Planner:
David Hogan, (408) 730-7444, dhogan@sunnyvale.ca.gov

Public Comment on Study Session Agenda Item

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Call to Order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow commissioners to take action on an item not listed on the agenda. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

- 1.A** [19-0341](#) Approve Planning Commission Meeting Minutes of February 11, 2019

Recommendation: Approve Planning Commission Meeting Minutes of February 11, 2019 as submitted.

- 1.B** [19-0342](#) Approve Planning Commission Meeting Minutes of February 25, 2019

Recommendation: Approve Planning Commission Meeting Minutes of February 25, 2019 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-1055](#)**Proposed Project:** Related applications on an 8.8-acre site:**SPECIAL DEVELOPMENT PERMIT:** To construct 58 single-family homes, including requests to deviate from setback and FAR requirements/standards.**TENTATIVE MAP:** To subdivide one parcel into 61 lots including 58 single family lots, a private street, a remainder common lot, and lot for a 2-acre public park.**Location:** 1142 Dahlia Court (commonly referred to as the Corn Palace)
- bound by Dahlia Drive, Toyon Avenue, Lily Avenue and Lawrence Expressway.
(APN: 213-12-001)**File #:** 2017-7451**Zoning:** R-1.5/PD**Applicant / Owner:** Trumark Homes/Francia Family Living Trust, Gabriel Francia, Trustee (applicant /owner)**Environmental Review:** Adopt a resolution to make findings required by CEQA, certify the Environmental Impact Report (EIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program**Project Planner:** Shétal Divatia, (408) 730-7637,
sdivatia@sunnyvale.ca.gov

Recommendation: Alternatives 1 and 3: 1) Adopt a Resolution to Certify the Environmental Impact Report including the Errata in Attachment 7; make the Findings required by the California Environmental Quality Act; and adopt the Statement of Overriding Consideration and Mitigation Monitoring Report Program (included in Attachment 3 to the report); and, 3) Make the Findings for the Special Development Permit and Vesting Tentative Map, Deny the requested deviations for reduced setbacks and FAR, and Approve the Special Development Permit and Vesting Tentative Map (included in Attachment 4 to the report), subject to recommended Conditions of Approval in Attachment 5 of the report, which include a condition that the house plans and architecture be modified to eliminate or reduce lot coverage, setback and floor area ratio deviations, and to require that the modified house plans and architecture be approved by Planning Commission, and to require that the modified house plans and architecture be approved by Planning Commission.

3. [18-1052](#)

Proposed Project: APPEAL by the applicant of a decision by the Zoning Administrator to deny:

USE PERMIT to allow modification to a previously approved Use Permit (2012-7479 - Condition of Approval AT-1 and AT-7) to allow extended hours of operation (11:30 AM - 6:30 PM during school days and 8:30 AM-6:30 PM when students are on break) and outdoor play areas for the after-school educational enrichment facility, which with the proposed extended hours of operation would be considered a daycare use.

Location: 1025 The Dalles (APN:320-11-010)

File #: 2018-7519

Zoning: PF (Public Facility)

Applicant / Owner: Sunny Chinese Learning Center (applicant) / St. Luke Lutheran Church of Sunnyvale (owner)

Environmental Review: Class 1 CEQA Exemption (CEQA Guidelines Section 15301, Existing Facilities)

Project Planner: Shétal Divatia (408) 730-7637, sdivatia@sunnyvale.ca.gov

Recommendation: Alternative 1: Deny the Appeal and uphold the decision of the Zoning Administrator to deny the Use Permit

4. [19-0217](#)

Moffett Park Specific Plan Update Work Plan and Guiding Principles

Project Planner:

Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

Recommendation: Recommend to City Council Alternative 1: Approve the Guiding Principles, outlined in the staff report and the Work Plan (Attachment 7 to the report) for the update of the Moffett Park Specific Plan and direct staff to proceed with the understanding that the budget for the plan is funded by initial applicant and/or other parties interested in the completion of the plan update.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**NON-AGENDA ITEMS AND COMMENTS**

-Commissioner Comments

-Staff Comments

ADJOURNMENT*Notice to the Public:*

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

Agenda information is available by contacting Bonnie Filipovic at (408) 730-7440. Agendas and associated reports are also available at sunnyvaleca.legistar.com or at the Sunnyvale Public Library, 665 W. Olive Ave., 72 hours before the meeting.

Planning a presentation for a Planning Commission meeting?

To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" document available on the City website.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing.

PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Planning Division at (408) 730-7440. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1))



City of Sunnyvale

Agenda Item

19-0368

Agenda Date: 3/11/2019

SUBJECT

Overview of Block 18 CityLine Project (Macy's Building)

Project Planner:

David Hogan, (408) 730-7444, dhogan@sunnyvale.ca.gov



City of Sunnyvale

Agenda Item

19-0341

Agenda Date: 3/11/2019

SUBJECT

Approve Planning Commission Meeting Minutes of February 11, 2019

RECOMMENDATION

Approve Planning Commission Meeting Minutes of February 11, 2019 as submitted.



City of Sunnyvale

Meeting Minutes - Revised Planning Commission

Monday, February 11, 2019

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

Study Session Cancelled | Special Meeting - Public Hearing 7 PM

STUDY SESSION CANCELLED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:00 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

Present: 7 - Commissioner Carol Weiss
Chair Daniel Howard
Commissioner John Howe
Commissioner Ken Olevson
Vice Chair David Simons
Commissioner Ken Rheaume
Commissioner Sue Harrison

Chair Howard stated that video of the meeting would not be streamed or recorded due to technical difficulties.

ORAL COMMUNICATIONS

CONSENT CALENDAR

Commissioner Howe moved and Commissioner Simons seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

Yes: 6 - Commissioner Weiss
Chair Howard
Commissioner Howe
Vice Chair Simons
Commissioner Rheaume
Commissioner Harrison

No: 0

Abstained: 1 - Commissioner Olevson

1. A [19-0197](#) Approve Planning Commission Meeting Minutes of January 28, 2019

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [18-0984](#) **Proposed Project:** Related applications on a 16.82-acre site:
 SPECIAL DEVELOPMENT PERMIT: Demolish seven existing industrial buildings, two commercial buildings, and construct a new mixed-use project. Project consists of a three-to-five-story apartment/commercial building with a wrapped seven-level parking structure (including one underground level); two two-to-seven-story condominium buildings above podium parking structures; and 20 two-to-three-story townhome buildings with individual garages.
 Residential: 741 total units (412 rental /329 ownership) at a density of 44 du/ac.
 Commercial: 1,500 sq. ft. on the ground floor of the apartment building.
 Publicly-Accessible, Privately-Owned Open Space: 2.3 acres
 VESTING TENTATIVE MAP: Create two lots for condominium purposes (and associated common areas) and one lot for the apartments/commercial space.
Location: 1155-1175 Aster Avenue (APNs: 213-01-032; 213-01-033; 213-01-034)
File #: 2018-7513
Applicant / Owner: Olympic Residential Group / JJ & W LLC
Environmental Review: No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Lawrence Station Area Plan (LSAP) Program Environmental Impact Report (EIR).
Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder presented the staff report.

Commissioner Howe confirmed with staff that the distance between the Caltrain station and the café is approximately 300 feet. Commissioner Howe asked staff if it is possible to switch the café location of the proposed project's plaza so the café is more visible to Caltrain users.

Commissioner Weiss asked the location of the nearest fire station to the proposed project and Senior Planner Schroeder stated that the nearest fire station is in Santa Clara on Corvin Drive. Commissioner Weiss asked staff if the Department of Public Safety reviewed the proposed project due to its high density. Assistant Director Andrew Miner stated that every proposed project is reviewed by every relevant department and the Department of Public Safety reviewed the original Environmental Impact Report (EIR) and is part of the Community Development Department's Project Review Committee. Commissioner Olevson stated that Sunnyvale's Fire Station 2 is at the corner of Wolfe Road and Arques Avenue.

Commissioner Weiss asked staff how the parking garage's underground level would be protected in case of a flood. Senior Planner Schroeder stated that the applicant can address the issue.

Commissioner Weiss asked staff if the 41 surface parking spaces are designated for guests of the entire proposed project. Senior Planner Schroeder stated the 41 surface parking spaces are designated for guests of the entire proposed project.

Commissioner Weiss asked if it is possible the applicant could provide Caltrain passes to residents to manage traffic congestion. Senior Planner Schroeder stated that the proposed project meets the Transportation Demand Management plan requirements and that requiring specific actions as part of the plan is not a part of the TDM requirements.

Commissioner Rheume asked staff if it is possible to maximize the number of units by adding an additional story on top of the condominiums. Assistant Director Miner stated that the project has evolved to achieve a balance of low and high density.

Commissioner Rheume asked staff if there is permit parking along Aster Avenue and Senior Planner Schroeder stated that there is currently no permit parking and none has been proposed. Assistant Director Miner added that staff has discussed with the Department of Public Works the option of adding on-street parking but that the goal of protecting trees and providing sidewalks and bike lanes makes parking difficult on narrow Aster Avenue. Commissioner Rheume confirmed with staff that

parking is currently not allowed on Aster Avenue.

Commissioner Rheaume asked staff if the bottlebrush trees and cedar trees along Aster Avenue would be preserved. Senior Planner Schroeder stated that only the cedar trees would be preserved.

Commissioner Rheaume asked staff if there is a way for the City to ensure that protected trees are not removed during construction. Assistant Director Miner stated that all protected trees must be fenced off before grading and that the City monitors construction as best as possible and issues penalties when projects are in violation. Assistant Director Miner added that a recent project that had removed protected trees had begun grading without first cordoning off the protected trees.

Commissioner Rheaume asked staff if it is possible to screen the utility equipment on the proposed project. Senior Planner Schroeder answered that some of the equipment can be painted to blend in with the landscaping or can be screened by shrubs or fencing. Assistant Director Miner suggested that a COA could be added to require the equipment screened to the maximum extent, as feasible.

Commissioner Simons commented on the landscape plan. Commissioner Simons asked staff if the parking garage's metal screening would be the proposed project's art. Senior Planner Schroeder stated that the art is more of a screening feature for the parking garage decks and a visual entrance to Lawrence Station. Assistant Director Miner stated that public art is not required for this project as it is mostly residential. Commissioner Simons stressed his concern that the appropriate building materials should be used to achieve the minimalist warehouse architectural style. Commissioner Simons passed around a picture of an old foundry building in New York City and stated his opinion that it well represented materials that would work well with this proposed project. Senior Planner Schroeder stated that the proposed project is required to submit a final materials board to ensure that the materials are of the same quality as proposed in the final design plans. Assistant Director Miner passed around material boards to the Commissioners provided by the applicant.

Chair Howard asked staff to review the allotted number of bicycle parking stalls, what the requirement is for a bike lane painted green, and stated his expectation that Caltrain review the availability of trains if Lawrence Station ridership increases. Assistant Director Miner stated that the purpose of the Lawrence Station Area Plan is to increase ridership at the station and that staff will continue to pursue the effort as ridership grows.

Chair Howard stated that he intends to ask the applicant if residents and non-residents can use the same on-site parking spots during the day.

Senior Transportation Engineer Ralph Garcia stated that green bike lanes are designed at conflict points, usually where cars need to merge into the bike lane to make a right turn. He stated that they provide better awareness to drivers of bicyclists. Chair Howard asked staff if green pavement near the proposed project's driveways are possible. Senior Transportation Engineer Garcia stated that the City considers the issue when there is high traffic, but there are maintenance costs and the that City does not typically implement them in residential areas with few turns.

Chair Howard opened the Public Hearing.

Dan Deibel, representing Olympic Residential Group, introduced Chek Tang and Paul Lettieri to present the proposed project.

Mr. Tang, representing Studio T Square, and Mr. Lettieri, representing The Guzzardo Partnership, presented images and information about the proposed project.

Commissioner Weiss asked the applicant how storm water management plan is accomplished for the parking garage's underground level. Mr. Deibel responded that the underground level is equipped with a pump that would activate in case of a flood.

Commissioner Weiss asked the applicant if it is possible to provide Caltrain passes to residents. Mr. Deibel responded that it is possible to include that in the proposed project's TDM plan for residents who would want passes. Commissioner Weiss thanked the applicant for their consideration of the Planning Commission's comments and suggestions provided at the study session.

Commissioner Weiss asked the applicant to reconsider planting redbud trees as they do not grow well in every part of Sunnyvale.

Commissioner Weiss asked the applicant if the banners on the outside of the proposed project are permanent and asked what they would be made of. Mr. Deibel stated that the banners would announce one's arrival to the district, are made of durable fabric, and would be periodically replaced and updated.

Commissioner Weiss discussed the possibility of providing additional affordable housing units in the project. Mr. Deibel stated that they studied adding more affordable housing units but also concentrated their efforts on developing the community open space.

Commissioner Harrison commented that she is pleased that bicycles would be allowed to travel through the central promenade of the proposed project.

Commissioner Harrison asked staff to confirm that there are concessions that can be granted if an applicant provides a certain number of affordable housing units. Assistant Director Miner stated that the applicant must meet the City requirements for the number of affordable housing units, but it is applicant's choice whether to take advantage of the State housing concessions allowances.

Commissioner Rheume thanked the applicant for the changes they made to the proposed project since the study session and asked about other projects with privately owned parks with public access. Mr. Diebel cited the dog park in Santa Clara at San Antonio Center as an example. Assistant Director Miner stated that there is publicly available private open space as part of the project at 1250 Lakeside Drive as well as in Peery Park and that the City is encouraging this aspect of proposed projects.

Commissioner Rheume asked the applicant if taller trees are possible to complement the taller buildings. Mr. Lettieri stated that there are large scale trees planned for the proposed project and added that the landscape plan incorporates trees that grow well and require less water. Mr. Lettieri added that they are happy to address any specific landscaping concerns.

Commissioner Rheume stated that the materials that would be used are important and asked the applicant if the proposed project would use divided light windows. Mr. Tang answered that the windows would not include steel and would only look like divided light windows. Mr. Tang added that they can provide a mock up for staff of the proposed material details.

Commissioner Simons confirmed with the applicant that they plan to execute the parking garage screen art element into the proposed. Commissioner Simons stated support for this aspect of the design.

Commissioner Simons asked the applicant if it is possible for them to switch the

locations of the café and the leasing office. Mr. Deibel stated café was intentional in order to draw in the existing neighborhood but that it is possible to switch the locations of them as they are comparable in square footage and height.

Commissioner Simons stated his concern that the significant trees planned for the proposed project would not last the life span of the construction and asked the applicant if it is possible to incorporate native trees that would grow above 50 feet to 80 feet over time on the eastern side of the proposed project. Mr. Lettieri stated that it would be constraining for them if required to use only native trees and cited redwood trees that are not possible to use because of the volume of water they demand. Mr. Lettieri confirmed that they have 56 sycamore trees planned for the proposed project and that they are open to considering different varieties. Commissioner Simons confirmed with the applicant that they are comfortable with a condition that includes a height requirement and an encouragement to include more native species.

Commissioner Howe also thanked the applicant for the changes made to the proposed project since the study session. Commissioner Howe asked the applicant about the goals of the cafe. Mr. Deibel stated that the café would serve residents and the public coffee and pastries in the morning, food such as salads at lunch time, and convert into a tavern feel in the evening. Commissioner Howe stated that the café is a significant amenity and would be better placed closer to the Caltrain station. Commissioner Howe asked the applicant how long it would take to determine if the café location is a success and Mr. Deibel stated that it would take approximately 90 days. Commissioner Howe urged the applicant to consider relocating the café closer to the Caltrain station.

Chair Howard confirmed with Assistant Director Miner the applicant did not take advantage of concessions as part of the State Density Bonus Program.

Sue Serrone, Sunnyvale resident and Sunnyvale Sustainable and Affordable Living Coalition member, spoke in support of the proposed project and the affordable housing that it would provide. She stated that the applicant should take advantage of programs that would allow them to provide more affordable housing.

Richard Beer, Sunnyvale resident, stated that the proposed project would create traffic congestion and parking issues and expressed his concern for children getting to school.

Richard Mehlinger, Sunnyvale resident, spoke in support of the proposed project and stated that he wished it had more affordable housing and incentivized residents to not own cars. He proposed the idea of a micro café near the Caltrain entrance.

Mike Serrone, Sunnyvale resident and member of Livable Sunnyvale, stated that he likes the location, high density and affordable housing aspects of the proposed project.

Ray Crump, Sunnyvale resident, stated his concern that Lawrence Station is not a major Caltrain stop and that additional traffic at the Willow Avenue and Reed Avenue intersection would affect the surrounding area.

George Olson, Sunnyvale resident, spoke in opposition to the proposed project's high density, height, and location.

Garrett Wessel spoke in support of the proposed project's use of union labor and its high density that promotes sustainability.

John Zervas, representing the Northern California District Council of Laborers Laborers Local 270, stated the union's support of the proposed project and urged the Commissioners to support the proposed project.

Linda Davis, Sunnyvale resident, voiced her support for the proposed project and its affordable housing options. Ms. Davis stated her interest in Sunnyvale enacting a rental inclusionary requirement.

Olivia Navarro, Sunnyvale resident, stated her appreciation for the proposed project and its affordable housing, proximity to public transportation, and availability of open space.

Ruben Navarro, representing his father and his father's labor union, stated his support of the proposed project's affordable housing.

Jim Pollard, Senior Vice President of Classic Communities, spoke in support of the proposed project's affordable housing and use of open space, high quality building materials, and union labor.

Commissioner Howe asked Mr. Pollard the approximate sales prices of the townhomes that Classics Communities is offering across the street from the

proposed. Mr. Pollard answered that the townhomes are selling for approximately \$1.4 million and \$1.550 million.

Commissioner Howe asked staff what the process is if the café and plaza were to change locations after the project is approved. Assistant Director Miner stated that the applicant would need to submit a Miscellaneous Plan Permit application. Commissioner Howe and Assistant Director Miner confirmed that the applicant would most likely need more than 90 days to determine if a possible new location for the café would be successful and that the applicant may be subject to new building codes as time passes. Commissioner Howe confirmed with the applicant and Senior Planner Schroeder that a 150-square foot kiosk is possible off of the plaza.

Chair Howard closed the Public Hearing.

Commissioner Howe asked staff if a traffic light was considered at the Willow Avenue and Reed Avenue intersection. Senior Transportation Engineer Garcia stated that the Department of Public Works decided against it due to an anticipated lack of coordination between that City-operated intersection and the County-operated traffic signal at Lawrence Expressway and Reed Avenue. Assistant Director Miner stated that Senior Planner Schroeder is working on the Lawrence Station Area Sense of Place Plan and updating the LSAP to improve Lawrence Expressway's pedestrian friendliness.

MOTION: Commissioner Howe moved and Commissioner Simons seconded the motion for Alternative 2 - Make the required Findings to approve the CEQA determination that the environmental impacts of the project are addressed in the LSAP EIR and no additional environmental review is required; approve the Special Development Permit with Sunnyvale Municipal Code (SMC) deviations for building height and distance between main buildings, and Vesting Tentative Map subject to the recommended conditions of approval and LSAP Mitigation Monitoring and Reporting Program (MMRP) in Attachment 4 and modified conditions of approval as required by the Planning Commission –

1. Specify that an on-site kiosk of approximately 150 square feet that serves goods intended for, but not limited to, Caltrain users will be provided close to the Lawrence Station Caltrain stop;
2. Specify that the utility equipment will be screened;
3. Specify that bicycles will be allowed to travel through the central promenade of the proposed project;

4. Specify that at least 24 estate sized trees should be of a species that can reach over 75 feet tall will be planted throughout the proposed project; and,
5. Specify that the redbud trees will be replaced with a different type of tree.

Commissioner Simons recommended that the applicant consider using Catalina fernleaf ironwood trees.

Commissioner Howe stated his opinion that he likes the proposed project, its location, and the diverse housing options that it contributes to the community.

Commissioner Simons stated that he will support the motion and thanked the neighborhood for their input. Commissioner Simons commented that he likes that the proposed project provides ownership opportunities, believes that taller trees would provide better screening for the neighborhood, and that the artwork screening on the parking garage makes the proposed project a nice element along the train tracks.

Commissioner Rheume stated that he can make the findings and intends to support the motion. Commissioner Rheume added that the City recently approved higher density housing as part of the LSAP and that he is generally in favor of higher density proposed projects. He stated that he values the proposed project's open space park, its use of union labor, and its variations in height and design. He also commented on the importance of understanding the younger generation's housing needs and thanked Senior Planner Schroeder for his hard work on the proposed project.

Commissioner Olevson stated that he will support the motion and commented on his affinity for the proposed project's design, the open space park, and that he believes the applicant has met the City Council's requirements. He also stated that he appreciates the applicant's willingness to make modifications to the proposed project based on the Planning Commission's previous recommendations.

Commissioner Harrison stated that she can make the findings and will support the motion and that she likes the building materials used and the amount of housing and parking provided. She commented that she will allow the deviation in height requested because of the substantial open space provided.

Commissioner Weiss stated her opinion that she likes the variety and style of the architecture, the location, the cafe, the use of union labor, and the community feel of

the proposed project. She stated she can make the findings and will support the motion.

Chair Howard stated his opinion that he believes the project is good overall but he will not support the motion because he cannot not make the findings with respect to the buildings' distances from each other.

Assistant Director Miner stated that the Commissioners should review the submitted changes to the Recommended COA's.

The motion carried by the following vote:

Yes: 6 - Commissioner Weiss
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Rheaume
Commissioner Harrison

No: 1 - Chair Howard

This action is final unless appealed to, or called up for review by the City Council within 15 days.

3. [19-0173](#) **Proposed Project:** Related applications on a 0.29-acre site:
 DESIGN REVIEW: to allow demolition of the existing home and construct a new two-story single-family home resulting in 5,667 square feet (5,173 square feet living area and 494 square feet garage) and 47.6% floor area ratio (FAR). Project includes a new pool and spa.
Location: 1019 Edmonds Court (APN: 320-12-008)
File #: 2018-7655
Zoning: Low Density Residential (R-1)
Applicant / Owner: Bekom Design, Inc. (applicant) / Alon Matas and Hila Matas-Magen (owner)
Environmental Review: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemption includes construction of one single-family residence in a residential zoning district.
Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report.

Commissioner Simons confirmed with staff that the stone wrapping extends past the fencing and appears on the elevations and that there is no lighting requirement for the front entrance.

Commissioner Rheume confirmed with staff the location of the entrance to the Accessory Dwelling Unit (ADU) and whether ADU's must have a kitchen. Commissioner Rheume stated that the unit does appear to him to be a true ADU.

Commissioner Harrison confirmed with staff that internal doors connecting main dwelling units and ADU's are allowed if the doors connecting the two are fire rated and self-closing. Commissioner Harrison also confirmed with staff that an ADU kitchen consists of at least a sink, a refrigerator, and either a stovetop or oven. Commissioner Harrison stated that she does not see these aspects on the proposed design plans.

Commissioner Weiss confirmed with staff that the wet bar is part of the main dwelling unit and stated that the ADU design plans do not include cooking facilities. Associate Planner Cha stated that staff can work with the applicant to incorporate those elements into the design plans. Commissioner Weiss asked staff if there are privacy concerns with the location of the second story balcony. Commissioner Weiss also confirmed with staff that the second story balcony railing is open.

Commissioner Olevson asked staff if an additional parking spot is required with the addition of the ADU. Associated Planner Cha stated that the applicant is not required to provide an additional parking spot because the proposed project would be within a half mile of a bus stop.

Commissioner Olevson asked staff to comment on the compatibility of the home with the rest of the neighborhood. Associate Planner Cha stated that the zoning code allows homes in that area to have a second story, that the proposed project reduces the square footage of the second story to 35% maximum per the single-family home design guidelines, and that the architectural style is similar to other homes in the neighborhood. Principal Planner Gerri Caruso added that most of the proposed project's square footage is on the ground floor.

Chair Howard confirmed with staff that the requirement to add an additional parking spot is if the proposed project is within a half mile of a public transit stop and the location of the entrance to the ADU is an exterior stairway from the backyard.

Chair Howard opened the Public Hearing.

Hila Matas-Magen, the homeowner applicant, and Revital Kaufman-Meron, representing BeKom Designs, presented images and information about the project.

Commissioner Harrison confirmed with Ms. Kaufman-Meron that the design plans include a small refrigerator under the counter, a sink, and a microwave oven for the ADU. Commissioner Harrison stated that the ADU must have a stovetop and an oven to be considered an ADU and Ms. Kaufman-Meron answered that they are open to revising the design plans to expand the kitchen equipment.

Commissioner Simons commented that the applicant should be aware of the poor soil quality of the homes in that neighborhood and that it would be wise to improve the quality of the soil at the time of the construction.

Commissioner Simons asked the applicant how far the stone wrapping extends around the proposed project. Ms. Kaufman-Meron stated that it extends almost half way around the house on the east side, repeats at the back of the house, and passes the fencing on both sides of the house. Commissioner Simons provided an image to the Commissioners and the applicant and stated that it is an example of a front door that would match the garage design and provide a more welcoming front entrance. Commissioner Simons asked the applicant where the light fixture is for the front door on the design plans and Ms. Kaufman-Meron responded that the lighting would be linear and recessed.

Commissioner Weiss commented on the quality of the architectural design and asked the applicant about the proposed project's energy efficiency given the large square footage. Mrs. Matas-Magen stated that the proposed project would be insulated from below and from all sides and would have an air circulation system, electric appliances, solar panels for the pool and house, and use recycled rainwater. Commissioner Weiss confirmed with Ms. Kaufman-Meron that the second story bedroom egress window would be made of clear glass and Commissioner Weiss commented that she may request that it may be obscured glass.

Commissioner Weiss disclosed that she drove around the neighborhood, looked at the proposed project site, and spoke with the neighbors. Commissioner Weiss asked the applicant why the proposed project's garage has been moved from its current location. Ms. Kaufman-Meron stated that one of their earlier design plans

included a garage in the same location as the existing garage but that it resulted in bedroom windows facing the neighbor's property. Commissioner Weiss stated that the location of the garage in the design plans is unlike the general Sunnyvale pattern of side by side garages that create courtyards.

Commissioner Rheume confirmed with Ms. Kaufman-Meron and Mrs. Matas-Magen that a potential renter would access the ADU by going around the master bedroom and that it is possible to re-design the ADU to have a fully functioning kitchen.

Commissioner Harrison confirmed with the applicant that the proposed projects would earn 110 CalGreen points.

Richard Mehlinger, Sunnyvale resident, stated his opinion that the Planning Commission should explore more multi-family dwelling options to help mitigate the lack of housing in the area.

Chair Howard stated that all comments must be germane to the proposed project.

Kristina Irwin, Sunnyvale resident, stated her concerns about the location of the proposed garage, that the neighbor behind the proposed project would experience privacy issues with the location and size of the second story balcony, and that emergency vehicles would have difficulty accessing the ADU.

Tovin Thomas, Sunnyvale resident, stated that his front yard and the view from his front windows would be blocked by the location of the proposed project's garage. Mr. Thomas also stated that one of the proposed project's second story windows would look directly into his back yard and urged the applicant to consider the neighbors in their design.

Vani Verma, Sunnyvale resident, stated her concern that the proposed project's square footage is not comparable to the rest of the neighborhood and that the proposed project would spur other neighbors to build larger houses.

Ani Vaidya, Sunnyvale resident, stated his concern that the proposed project is not compatible with the rest of the neighborhood both in size and scale.

Bill Wathen, Sunnyvale resident, expressed his concern that there would be a direct line of sight between many areas in his home and the proposed project's second

story. Mr. Wathen also stated that the proposed project may create parking issues with the ADU and noise issues with the second story balcony.

Commissioner Simons commented to Mr. Wathen that the neighborhood may want to establish a single-story combining district since many neighbors are opposed to the proposed project's second story. Mr. Wathen responded that he hopes the Planning Commission will consider the feel and structure of the existing neighborhood.

Gail Hoben, Sunnyvale resident, read a letter from her neighbors, John and Colleen Damour, that outlined their concerns with lack of privacy, light, parking, and additional noise and construction hazards.

Jack Liu, Sunnyvale resident, stated his concern that the proposed project would create congestion, be out of character with the rest of the neighborhood in terms of size and design, and possibly turn into a short-term rental property.

Commissioner Rheume confirmed with Mr. Liu his address and that his home would look across and into the proposed project.

Thi Ngo, Sunnyvale resident, stated a concern about the loss of light and privacy due to the location of the second story balcony.

Commissioner Rheume confirmed with Ms. Ngo her address and that she rents at that location.

Tal Hart, Sunnyvale resident, stated that people should be allowed to build bigger homes and ADU's on their properties to better support their families and the offset the cost of living in Sunnyvale.

Alon Matas, the homeowner applicant, presented additional information about the proposed project.

Commissioner Rheume confirmed with Mr. Matas that the applicant is willing to provide screening at the back of the proposed project and on the side of the garage.

Chair Howard confirmed with Associate Planner Cha that the threshold for design review is 45% Floor Area Ratio and 3,600 square feet and that the proposed project exceeds both levels.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Weiss seconded the motion for Alternative 3 - Deny the Design Review and provide direction to staff and the applicant where changes should be made. The proposed project should be redesigned to –

1. Provide a direct route to and from the Accessory Dwelling Unit (ADU);
2. Provide cooking appliances and a layout that better align with the definition of an ADU;
3. Consider size compatibility with the rest of the neighborhood;
4. Address the view between neighbors and proposed project's second floor balcony and window; and
5. Relocate garage next to immediate neighbor's garage to maintain courtyard aesthetic.

Commissioner Howe stated his opinion that the proposed project should be re-designed to be more compatible in size with the rest of the neighborhood and better respect neighbor privacy, particularly with the second story balcony and window.

Commissioner Weiss stated her belief that the proposed project does not follow the City's single-family design guidelines in terms of its scale, size, garage location, and striking architectural style. She read parts of the single-family design guidelines that in her opinion have not been followed.

Commissioner Rheume stated that he does not intend to support the motion and that he cannot make the findings to deny the proposed project. He stated his opinion that the applicant has followed the design guidelines and has a right to build the proposed project on their property. He disclosed that he drove through the neighborhood and looked at the property.

Chair Howard asked the audience to maintain order and not speak out.

Commissioner Olevson stated his intention to support the motion. He stated his opinion that the applicant has met many of the design guidelines but that the look and feel of the proposed project is not compatible with the rest of the neighborhood.

Commissioner Simons stated that he intends to support the motion and stated his belief that the entrance and exit to the ADU should be redesigned for safety purposes, that the proposed location of the garage should be moved, and that landscaping should be added to the back and along the side of the proposed project to better protect the neighbors' privacy.

Commissioner Harrison stated her intention to support the motion to deny due to the ADU's lack of access to the street and lack of useable kitchen and living space. She also stated her opinion that the applicant has the right to build a large home on their lot.

Chair Howard clarified with Commissioner Howe the directions to staff for Alternative 3.

Commissioner Harrison stated that the ADU should conform to the legal standards of a separate dwelling unit.

Chair Howard restated the motion and the directions to staff.

Principal Planner Caruso asked the Commissioners if it is acceptable if the ADU is not a full ADU and does not conform to ADU standards. Commissioner Harrison stated that she would not have an objection to its current design if it were not identified as an ADU on the design plans.

Chair Howard stated that he will be supporting the motion. He stated his belief that neighborhoods evolve but that the ADU should more closely resemble the definition of an ADU on the design plans, particularly important if another family were to move into the home. He also stated his opinion that the garage should be located next to the neighbor's garage.

The motion carried by the following vote:

Yes: 6 - Commissioner Weiss
Chair Howard
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Harrison

No: 1 - Commissioner Rheume

This action is final unless appealed to, or called up for review by the City Council within 15 days.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Commissioner Weiss stated that she would like to look into how to bring older ADU's up to current code standards. Commissioner Harrison stated that this particular study issue has been proposed before but that there was uncertainty about what code to apply to the older ADU's. Commissioner Weiss stated that this would be for homeowners who voluntarily wanted to bring their ADU's up to code.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Rheaume stated that Principal Planner Caruso is retiring and thanked her for her service and wished her luck. Principal Planner Caruso thanked the Commission and stated that her last day is March 1, 2019 and that she has worked for the City for 27 years in a career that has spanned 33 years.

Commissioner Simons thanked Principal Planner Caruso for her service and mentioned the work she has done for the City's Eichler homes, its downtown history, and emphasized her vast knowledge of Sunnyvale architecture.

Principal Planner Caruso stated that this may be her last Planning Commission hearing.

-Staff Comments

Principal Planner Caruso informed the Commissioners that the City Council heard the Summit School proposed project appeal on January 29, 2019 and that the item was continued until April 23, 2019 to give the applicant and staff time to address the parking issues.

ADJOURNMENT

Chair Howard adjourned the meeting at 11:26 PM.



City of Sunnyvale

Agenda Item

19-0342

Agenda Date: 3/11/2019

SUBJECT

Approve Planning Commission Meeting Minutes of February 25, 2019

RECOMMENDATION

Approve Planning Commission Meeting Minutes of February 25, 2019 as submitted.



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, February 25, 2019

7:00 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Study Session Cancelled | Special Meeting - Public Hearing 7 PM

STUDY SESSION CANCELLED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:00 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

Present: 7 - Commissioner Carol Weiss
Chair Daniel Howard
Commissioner John Howe
Commissioner Ken Olevson
Vice Chair David Simons
Commissioner Ken Rheaume
Commissioner Sue Harrison

ORAL COMMUNICATIONS

CONSENT CALENDAR

Commissioner Simons referenced page ten of the draft meeting minutes of February 11, 2019 and confirmed with Assistant Director Andrew Miner that 25 new trees will be planted as part of the Conditions of Approval (COA). Commissioner Harrison requested modifications to pages 16 and 17 of the same draft meeting minutes. Assistant Director Miner stated that staff will check the record and revise if necessary.

Commissioner Howe moved and Commissioner Simons seconded the motion to bring the meeting minutes back to the Planning Commission hearing for a vote on

March 11, 2019.

The motion carried by the following vote:

Yes: 7 - Commissioner Weiss
Chair Howard
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Rheaume
Commissioner Harrison

No: 0

1.A [19-0266](#) Approve Planning Commission Meeting Minutes of February 11, 2019

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [19-0141](#) **Proposed Project:** Related applications on a 9,200 square feet site:
 TENTATIVE MAP: to subdivide one parcel into two lots.
 USE PERMIT: to allow lot area and lot width less than the
 minimum required.
 DESIGN REVIEW: for two new two-story single family homes
 (2,128 square feet and 2,710 square foot gross floor area)
 resulting in an overall Floor Area Ratio (FAR) of 53.5 percent.
Location: 331-333 Beemer Avenue (APN: 204-51-025)
File #: 2015-7886
Zoning: R-2
Applicant / Owner: Forte Construction and Design (applicant) /Richard
S Shwe Trustee (owner)
Environmental Review: Class 3 Categorical Exemption relieves this
project from the California Environmental Quality Act (CEQA) provisions
that include new construction of up to three single-family residences in
urbanized area (CEQA Guidelines, Section 15303).
Project Planner: Aastha Vashist, (408) 730-7458,
avashist@sunnyvale.ca.gov

Associate Planner Aastha Vashist presented the staff report.

Commissioner Harrison confirmed with Associate Planner Vashist that the COA prohibiting a fence between the lots exists if the applicant wants to install a fence in the future.

Commissioner Weiss confirmed with Associate Planner Vashist that the proposed

project's sidewalk widening would take place during construction.

Commissioner Rheume asked staff if the driveway would be constructed of concrete or pavers and Assistant Director Miner suggested that Commissioner Rheume confirm with the applicant. Commissioner Rheume confirmed with staff that there are no samples available of the stone wrapping and expressed his concern that the project mixes different architectural styles.

Commissioner Simons confirmed with staff that the stone wrapping extends around the perimeter of the proposed project. He asked staff to comment on the proposed project's setback deviation compared to other homes in the neighborhood. Associated Planner Aastha Vashist responded that the setbacks are similar to other setbacks established for recent projects completed on Beemer Avenue.

Chair Howard opened the Public Hearing.

Gordon Chen, representing Forte Construction & Design, presented information about the project.

Michael Shwe, homeowner applicant, presented additional information about the project.

Commissioner Harrison asked the applicant to comment on the window trim style. Mr. Chen stated that the windows were originally designed to be recessed but that the homeowners added a window trim. Commissioner Harrison asked the applicant if they prefer to move forward with a Mediterranean architectural style tile roof or the more common asphalt shingles, and Mr. Chen responded that the homeowners are comfortable using asphalt shingles.

Commissioner Weiss confirmed with the applicant that the structure behind the main house on the current property is a detached garage.

Commissioner Rheume confirmed with Mr. Chen that driveway pavers would be used. Commissioner Rheume expressed his concern that the proposed project is a mix of different architectural styles and stated his opinion that recessed windows would be better. He confirmed with Mr. Chen that they are open to using asphalt shingles, that the stone wrapping is gray, and that the garage door does not have windows. Mr. Chen stated that they are amenable to removing the stone wrapping.

Commissioner Simons stated that the direction of the architectural style is confusing and confirmed with Mr. Chen that they are still interested in pursuing a Mediterranean architectural style. Commissioner Simons stated that he will not support the proposed project if it has an overall Mediterranean style but an asphalt shingle roof. He confirmed with Mr. Chen that the gutters would wrap around the perimeter of the house and would be plain aluminum and match the trim color. Mr. Chen clarified that the original design plan was a Spanish architectural style and that the current proposed project is a Mediterranean architectural style. Commissioner Simons stated that the stone wrapping is unusual and would like a sample of the material to ensure it is compatible with Mediterranean style.

Commissioner Weiss asked the applicant how the proposed project meets green building requirements. Mr. Chen stated the final design of green building features is not yet completed, but expects to include energy efficient appliances and solar capability.

Commissioner Rheaume asked the applicant to provide examples of earlier design plans that include the recessed windows. Mr. Chen presented an image of 256 S. Pastoria Avenue in Sunnyvale and stated that it is a home he designed that represents typical Spanish architectural style. Commissioner Rheaume agreed that the image is more consistent with Spanish style and stated that he cannot support the proposed project due to its mix of different architectural styles.

Chair Howard commented that he believes solar panels are easier to install with asphalt shingles.

Commissioner Harrison stated that she is familiar with a project that added asphalt shingles and solar panels underneath a tile roof.

Commissioner Howe confirmed with Mr. Chen that he will provide staff with a copy of the image of 256 S. Pastoria Avenue that was displayed.

Chair Howard invited members of the public to speak and noted that neighbor Erasmo Zuniga emailed staff with his support for the proposed project.

Chair Howard closed the Public Hearing.

Commissioner Rheaume stated that he cannot support the proposed project without requesting many changes and asked staff if it is possible to continue the item to

another Planning Commission hearing. Assistant Director Miner encouraged the Commissioners to make a decision and direct staff on what specific architectural changes should be made.

Commissioner Simons confirmed with Assistant Director Miner that staff can work with the applicant to follow a Spanish Revival architectural style with specific modifications. Commissioner Simons stated his opinion that Spanish Revival is a good style direction for the proposed project that provides design elements to choose from.

Commissioner Howe asked Commissioner Rheaume if he can support Commissioner Simons' potential motion and Commissioner Rheaume stated in the affirmative.

MOTION: Commissioner Simons moved and Commissioner Howe seconded the motion for Alternative 2 – Approve the Use Permit, Design Review and the Parcel Map subject to the following modified conditions of approval –

- 1.) Specify that the proposed project commit to the Spanish Revival architectural style;
- 2.) Specify that a tile roof of a color and shape consistent with Spanish Revival will be used;
- 3.) Specify that recessed windows with interior molding will be used as shown in the proposed project's original design plans;
- 4.) Specify that permeable driveway pavers will be used;
- 5.) Specify that seamless, plain, flat-sided front aluminum rain gutters matching the trim color will be used;
- 6.) Specify that the stone wrapping around the proposed project will be removed; and
- 7.) Staff to work with the applicant to add iron and/or ceramic architectural details to provide consistency with the Spanish Revival style.

Chair Howard stated that he prefers that the applicant choose an architectural style direction and then add details consistent with that style and then restated the motion.

Commissioner Simons stated that he can make the findings and stressed the importance for the proposed project to follow a consistent architectural style to establish its timelessness. He added that he can make the findings that the setback

deviations are appropriate to allow room for two houses.

Commissioner Howe stated his opinion that the Spanish Revival architectural style is better than the proposed project's current design and believes that it is a good project.

Commissioner Rheume stated that he can make the findings based on the motion's COAs. He added that following one architectural style will ensure the proposed project's timelessness, that the proposed project is a good addition to Sunnyvale, and that he is happy it will allow the younger applicant to be a Sunnyvale homeowner.

Commissioner Harrison asked Commissioner Simons and Commissioner Howe if they would consider Chair Howard's idea of allowing the applicant to choose an architectural style and directing staff to guide the style details.

Commissioner Simons stated that the current motion is better because it provides clear direction and reflects the type of architectural style the applicant started with.

Commissioner Olevson stated that he intends to support the motion and can make the findings given the direction it provides.

Commissioner Weiss stated that she believes the proposed project meets the basic principles of the single-family home design guidelines and the relevant goals and policies of land use and transportation planning. She stated her opinion that the proposed project would blend nicely with the rest of the neighborhood and stated that she prefers not to dictate an architectural style for the applicant but still plans to support the motion.

Chair Howard stated his intention to support the motion and stated his opinion that it is important that the proposed project is built. He stated that he prefers that the applicant choose the architectural style and add detail elements consistent with that style.

The motion carried by the following vote:

Yes: 7 - Commissioner Weiss
Chair Howard
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Rheaume
Commissioner Harrison

No: 0

This action is final unless appealed to or called up for review by the City Council within 15 days.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howe confirmed with Assistant Director Miner that staff will research whether the size of the boulders at the Bright Horizons project at 1010 Sunnyvale-Saratoga Road meet the COAs. He also confirmed with Assistant Director Miner that the State of California has specific requirements for proposed projects that are more than half a mile from any public transit stop.

-Staff Comments

Assistant Director Miner stated that he visited the Bright Horizons project and believes that the boulders are size appropriate. Commissioner Simons stated that the project does not meet the COAs that dictated the size and number of the boulders based on the design plans. Assistant Director Miner responded that staff will review the design plans to ensure they have been followed. Commissioner Howe stated that he believes the COAs directed the applicant to build an enclosure around the area where the boulders are located.

Assistant Director Miner informed the Commissioners that City Council will hear the proposed useable open space ordinance on February 26, 2019 and that the Downtown Specific Plan amendment will be heard at the City Council Study Session on March 5, 2019.

ADJOURNMENT

Chair Howard adjourned the meeting at 8:08 PM.



City of Sunnyvale

Agenda Item 2

18-1055

Agenda Date: 3/11/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Related applications on an 8.8-acre site:

SPECIAL DEVELOPMENT PERMIT: To construct 58 single-family homes, including requests to deviate from setback and FAR requirements/standards.

TENTATIVE MAP: To subdivide one parcel into 61 lots including 58 single family lots, a private street, a remainder common lot, and lot for a 2-acre public park.

Location: 1142 Dahlia Court (commonly referred to as the Corn Palace) - bound by Dahlia Drive, Toyon Avenue, Lily Avenue and Lawrence Expressway.
(APN: 213-12-001)

File #: 2017-7451

Zoning: R-1.5/PD

Applicant / Owner: Trumark Homes/Francia Family Living Trust, Gabriel Francia, Trustee
(applicant /owner)

Environmental Review: Adopt a resolution to make findings required by CEQA, certify the Environmental Impact Report (EIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

REPORT IN BRIEF

Existing Site Conditions: Vacant land, a vacated produce stand and associated parking, three dwelling units and three outbuildings.

Surrounding Land Uses

North: Single family homes across Dahlia Drive and Dahlia Court

South: Single family homes across Lily Avenue

East: Single family homes across Lawrence Expressway in the City of Santa Clara

West: Single family homes across Toyon Avenue

Issues: Loss of a potential Heritage Resource (family-owned farmland), traffic, Floor Area Ratio (house size), setbacks, and potential construction noise.

Staff Recommendation:

- a. Adopt a Resolution to Certify the Environmental Impact Report;
- b. Make the Findings required by the California Environmental Quality Act; and,
- c. Adopt the Statement of Overriding Consideration and Mitigation Monitoring Report Program.
- d. Make the Findings for the Special Development Permit, and Vesting Map, and;
- e. Deny the requested deviations for reduced setbacks and Floor Area Ratio, and;
- f. Approve the Special Development Permit and Vesting Tentative Map subject to recommended Conditions of Approval in Attachment 5, including a condition that the

house plans and architecture be modified to reduce house size and eliminate or reduce setback deviations to achieve a lower FAR, and a requirement that these modifications be approved by Planning Commission.

Description of Proposed Project

The project would develop the 8.8-acre farmland site (commonly called the Corn Palace) with 58 single family homes, and provide two acres for a public park. The project would demolish existing structures and remove trees at the site. The project would widen the adjacent public streets and complete the associated improvements to meet city standards. The project also includes construction of an 8-foot tall masonry wall on its east property line along Lawrence Expressway.

The proposal includes subdivision of the property, described below under Vesting Tentative Map. The Vesting Tentative Map would allow the creation of 61 lots where there is currently one lot. The map includes a lot for the 2-acre public park (Lot A), a remainder frontage lot near Dahlia Drive (Lot B), and a lot for the private street (Lot C) and 58 single-family home lots. A Vesting Tentative Map allows the developer, who needs discretionary approvals to complete a long-term development project as approved, regardless of any intervening changes in local regulations.

The project does not include the design and development of the public park - that will be completed later and is not a part of this application for the subdivision and homes.

BACKGROUND

Existing Site Conditions

The original Corn Palace farmland included two large lots. The lot on the west was developed in 2011 with 51 single family homes with the Low Density General Plan designation (zoned R-0). The subject 8.8-acre site at 1142 Dahlia Drive is the eastern half of the farmland, has a Low-Medium General Plan density and is zoned R- 1.5/PD. Although historically used as farmland, it is not currently being cultivated. The surrounding uses are single-family homes, at a lower density to the proposed project.

Existing Site Conditions: Mature Trees

There are 28 trees onsite, of which 16 trees are considered protected trees (trunk circumference of 38 inches or greater) under the Sunnyvale Municipal Code Chapter 19.94 (Tree Preservation). Four protected trees (walnut trees) along the Lily Avenue frontage are in poor condition due to lack of irrigation and maintenance. The palm tree (also a protected tree) located near the produce stand (and potential future park) is in good condition. The other 11 trees are located around the existing home on the northeast portion of the site and are generally in good to fair health, but their age and/or species makes them unsuitable for relocation. All the trees on the site are proposed to be removed. The four walnut trees on Lilly Avenue will be removed to allow for street widening and installation of sidewalks. The palm tree near the Corn Palace produce stand is noted be in good health and could be saved if its location is outside of the new roadway and sidewalk areas.

General Plan Designation

The site has a General Plan designation of Low-Medium Density Residential (7-14 du/ac).

Lawrence Station Area Plan (LSAP)

Although the site is shown as connected to the 318-acre Lawrence Station Area Plan, the property was not included in any development standards and was expected to be regulated by the non-LSAP

zoning standards. It was included within the half-mile radius from the Caltrain station. The existing single-family residential area (including the Corn Palace site) south of Reed Avenue was intended to retain its existing single-family residential character.

Zoning

The project site is zoned R-1.5/PD (Low Medium Density Residential/Planned Development) that allows up to 10 dwelling units per acre. The proposed project, at nine dwelling units per acre, meets the prescribed density for this zone and is not seeking rezoning. This zoning district was specially created to allow small lot single-family homes, with smaller house sizes.

Previous Actions on the Site

- The site is referenced in the Lawrence Station Area Plan that was adopted in 2016. The project site is in the southern portion of the area plan that designates the site to retain single-family residential character.
- The site was one of two sites that the City Council approved for the tentative cancellation of the Williamson Act Contract in 1990 (Resolution No. 124-90). A proposal to redevelop the site was approved in 1990 but expired. The other site on the west was developed with 51 single family homes in 2012.

EXISTING POLICY

General Plan Goals and Policies

The following chapters contain goals and policies of the General Plan which pertain to the proposed project. Specific goals and policies are noted in the Findings (Attachment 4).

- Land Use and Transportation Element
- Community Character Chapter
- Housing Element

Applicable Design Guidelines

The City has a collection of Design Guidelines that are based on General Plan goals and policies and are intended to enhance the image of the City, preserve the existing character of the community, and achieve a higher overall design quality. The project is subject to:

- Single-Family Home Design Techniques and,
- Citywide Design Guidelines.

City Green Building Program

The City's Green Building Program for new residential development requires the project to be:

- Minimum - CALGreen Mandatory Measures and GreenPoint rated checklist with 80 points with verification by a Green Point Rater.
- Voluntary Incentives - Increased lot coverage by 5% by achieving 110 points.

WILLIAMSON ACT CONTRACT

The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is currently under the Williamson Act Contract with the City. In 1990, at the request of the property

owners, the City Council approved the tentative cancellation of the Williamson Act Contract (Resolution No. 124-90), which remains in effect today. There is no expiration date on a tentative cancellation action. The State Department of Conservation indicates that there is no further action required by the City. Once the property owners or contract holder receives a certificate of tentative cancellation from the City, all the conditions, including a cancellation fee payment, must be fulfilled before a final cancellation can be approved.

The property owner will notify the City when they have satisfied the conditions and contingencies stated in the certificate of tentative cancellation, including the cancellation fee currently estimated at \$3,000,000 (12.5% of land valuation) that needs to be paid to the State Lands Commission. Within 30-days of receipt of the notice, and upon a determination that the conditions and contingencies have been satisfied, the City Clerk will execute a certificate of cancellation of contract, which will finalize the contract cancellation (Government Code section 51283.4(b)).

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires that all state and local government agencies consider the environmental consequences of projects for which they have discretionary authority.

Although the project site is not on Sunnyvale's Heritage Resource list, an evaluation noted that the site could be a potential Heritage Resource as it is associated with the agricultural history of Sunnyvale and Santa Clara County and is one of very few remaining agricultural lands in Sunnyvale. As proposed, the project would permanently cease the activity of farming and demolish the existing structures resulting in a loss of a family-owned farmland that is associated with Sunnyvale's agricultural past. An Initial Study for the proposed project indicated that the project may have an adverse significant impact on a potential Heritage Resource and therefore would require a focused Environmental Impact Report (EIR).

An EIR has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines. The EIR is an informational document that describes the significant environmental effect of the project, identifies possible ways to minimize the significance of the effects and discusses reasonable alternatives to the project to avoid, reduce or minimize environmental impacts. The Mitigation Measures have been incorporated into Conditions of Approval (Attachment 5).

The purpose of this review is to determine if the analysis in the EIR is adequate. It is not the purpose of the EIR itself to recommend either approval or denial of the project. It is one action needed for project consideration. The EIR under consideration at this public hearing includes the Draft EIR (DEIR) document and the Final EIR (FEIR) document (which incorporates the DEIR by reference). The FEIR includes the comments written and received during the 45-day public review period (and oral comments received at the Planning Commission public hearing), responses to the comments, and any clarifications or corrections to the DEIR. Comments received from the public are fully addressed in the FEIR document and summarized later in this report.

On April 13, 2018, a Notice of Preparation for the EIR was prepared and mailed to neighboring cities, the State, and other public agencies, and surrounding property owners and residents requesting their input on the scoping of the EIR. The Notice of Preparation and letters responding to the Notice of Preparation are found in Appendix A of the DEIR. The DEIR can be accessed at:

<https://sunnyvale.ca.gov/business/projects/cornpalace.htm>

Following are milestone dates and actions related to the EIR:

Milestone	Date
Notice of Preparation (NOP)	April 13, 2018
EIR Scoping Meeting	May 10, 2018
Notice of Availability (Required 45-day public review period of DEIR)	November 2, 2018 - December 17, 2018
Heritage Preservation Commission Public Hearing on DEIR	December 5, 2018
Planning Commission Public Hearing for Comments on DEIR	December 10, 2018
Final EIR minimum 10-day review	March 2, 2019 - March 11, 2019
Planning Commission Public Hearing to Certify the FEIR	March 11, 2019

Areas of potential impact analyzed in the EIR include the following:

- Aesthetics
- Air Quality
- Archeological, Historic, and Tribal Cultural Resources
- Biological Resources
- Energy
- Hazards and Hazardous Material Greenhouse Gas Emissions and Climate Change
- Transportation and Circulation
- Green House Gas Emissions
- Noise and Vibration

Areas/resources **not** considered to be significantly impacted by the project and **not** requiring a detailed discussion and analysis are as follows:

- Agricultural and Forest Resources
- Geology and Soils
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services and Utilities
- Recreation

Scoping Meeting and Public Review of the Environmental Impact Report

A scoping meeting is required under the California Environmental Quality Act (CEQA) for public agencies; members of the public were also invited. The scoping meeting is intended to allow the community to provide direction on the issues to be addressed in the EIR. This meeting was held on May 10, 2018 in the City Council Chambers. Several members of the public made comments at the scoping meeting that was attended by approximately 25 neighbors. Nine members of the public and

three agencies submitted letters and emails regarding the Notice of Preparation

The DEIR was issued for public review and comment on November 2, 2018. The DEIR was mailed to appropriate agencies and neighborhood groups. Copies were placed at the Sunnyvale Library, the One-Stop Permit Center and the Community Center. Notices of availability were mailed to property owners within 1,000 feet of the project area. During the 45-day review period that followed (November 2 to December 17, 2018), public agencies and members of the public submitted written comments on the DEIR. The public review period and comment period closed on December 17, 2018. Three letters were received from public agencies and 60 letters were received from the public during this review period. The Heritage Preservation Commission and the Planning Commission also commented on the DEIR during their public hearings on December 5, 2018 and December 10, 2018 respectively.

Summary of Impacts

Overview of Impacts: There are four levels of impacts identified in the EIR:

- Less than significant
- Potentially Significant
- Significant before Mitigation
- Significant unavoidable

If an impact is shown to be significant and unavoidable, then the decision-making body certifying the EIR, in this case the Planning Commission, must adopt a statement of overriding considerations or the project must be revised so that there are no environmental impacts that cannot be mitigated. A statement of overriding considerations indicates that the ultimate benefits of the project outweigh the environmental impacts.

Significant and Unavoidable Impacts Identified in the EIR

The EIR determined that the project would or could potentially cause significant and unavoidable impacts to the following:

- **Historic Resources.** The Corn Palace farm appears eligible for listing on the California Register of Historic Resources based on its association with Sunnyvale's agricultural past. The dwellings, buildings, and outbuildings are not individually eligible because they have no connection to local or state history, and are of common construction and materials with no notable or special features. However, loss of the agricultural site itself cannot be fully mitigated by the proposed mitigation measures, which include preparation of a historic resource evaluation report, photographic preservation, and creation of an interpretive display at the proposed park.
- **Construction Noise.** The construction of the project will expose nearby noise-sensitive receptors to temporary noise and vibration. These impacts will be partially but not fully mitigated by standard noise-reduction measures.

Errata to the Draft EIR

After preparation of the Final EIR, staff discovered that Section 2.3.2 of the Draft EIR erroneously identifies "Potential Impacts to Unique Archeological Resources" as significant and unavoidable. As discussed in Section 4.3-2 of the EIR, these impacts are less than significant with mitigation. In

addition, staff discovered that in Table 2.1, the column "Significance after Mitigation" was left blank for Impacts 4.3-2 (Unique Archeological Resources), 4.6-2 (Exposure to On-Site Hazardous Materials), and 4.9-1 (Construction Noise). These clerical errors do not change the analysis, conclusions, or mitigation measures in the EIR. An errata page is attached as Exhibit 7 and will be made a part of the Final EIR.

Mitigation Measures

Most identified significant impacts of the proposed project would be reduced to a less than significant level with the implementation of mitigation measures identified in the EIR (Attachment 6) and the Mitigation Monitoring and Reporting Program (MMRP- Attachment 8). These mitigation measures are incorporated into the Conditions of Approval for the Special Development Permit and Vesting Tentative Map of the project (Attachment 5).

Below is a summary of the impacts and mitigation measures - for details, refer to DEIR and MMRP (Attachments 6 and 8)

- **Air Quality**

- Impact: Short-Term Construction -Generated Emissions of Reactive Organic Gases (ROG), Oxides of Nitrogen (NO_{x4},) Particulate Matter (PM₁₀ and PM₂₅)
 - Mitigation Measures: Follow BAAQMD's Basic Construction Mitigation Measures and eight other specific measures noted in the MMRP

- **Archeological, Historic, and Tribal Cultural Resources**

- Impact: Demolition of existing structures that appear to eligible for CRHR and local listing and the potential resource would no longer exist.
 - Mitigation Measure: Document historic buildings before removal: Written History of the evaluation report to be reproduced on archival bond paper; Photographs (digital) be taken of the dwelling units and the Corn Palace
 - Mitigation Measure: Create an interpretive Program, Exhibit, or Display that is displayed at a location that is accessible to the public
 - Mitigation Measure: Upon discovery of subsurface archeological features, halt ground disturbing activity.

- **Biological Resources**

- Impact: Disturbance to or loss of Special Status Plant Species (Congdon's Tarplant) or Habitat
 - Mitigation Measures: Prior to any work/demolition work, the applicant to survey the site for plant species, and if found outside of building footprint of the project, preserve it; or if it must be removed, consult with California Department of Fish and Wildlife (CDFW) for appropriate mitigation measures.
- Impact: Disturbance to or loss of Burrowing Owl
 - Mitigation Measures: Prior to and during grading work, the applicant to retain a qualified biologist to conduct focused breeding and non-breeding surveys in the area of suitable Burrowing Owl habitat, and if an active burrow is found during nonbreeding season the applicant shall consult with CDFW for appropriate mitigation measures, and if a burrow is found during the breeding season, the burrow shall not be disturbed and a protective buffer be provided unless a qualified

- biologist verifies that it is not needed.
- Impact: Disturbance to White-Tailed Kite, nesting raptors and other birds
 - Mitigation Measures: Before start of demolition/construction work, the applicant shall remove trees only during nonbreeding season; or if trees are to be removed during other times of the year, a qualified biologist will be conduct survey to identify active nests, and if they are found the biologist will consult with CDFW regarding appropriate buffer zones, young having fledged the nests and monitoring of the nests during construction activities.
- Impact: Consistency with Sunnyvale's Tree Preservation Ordinance - Removal of protected on-site trees
 - Mitigation Measure: Prior to any tree removal, the applicant to provide a detailed arborist report to ensure that existing trees cannot be saved through project modification or be relocated; saved trees to be protected with appropriate protection measures during construction.
- **Hazard and Hazardous Materials**
 - Impact: Create potential human health hazards from exposure to existing on-site hazardous materials
 - Mitigation Measures: Applicant to direct that all activities listed in the Feasibility Study/Remedial Action Work Plan (FSRAWP) are completed before start of construction. Activities include pre-sampling surveys, obtain appropriate permits, preparation of health risk assessment to be approved by Santa Clara County's Department of Environmental Health (DEH), pre-fieldwork activities, and several remedial actions. Refer to DEIR and MMRP for details.
- **Transportation and Circulation**
 - Impact: Construction related impacts on traffic
 - Mitigation Measures: Prior to start of any work, the applicant shall prepare a temporary traffic control plan (TTC) to satisfy City requirements.
- **Greenhouse Gas Emissions**
 - Impacts: Project-generated GHG Emissions
 - Mitigation Measures: Implement project features to be consistent with a future qualified Climate Action Plan or implement all feasible on-site greenhouse gas reduction measures and purchase carbon offsets.
- **Construction Noise**
 - Impact: Short term construction generated noise levels associated with the project construction
 - Mitigation Measure: Implement Construction-Noise Reduction Measures

Statement of Overriding Consideration

The Planning Commission's approval of the proposed project would result in certain environmental impacts that cannot be substantially lessened or avoided. While mitigation measures would reduce these impacts, they would remain significant and unavoidable.

Section 15093 of the CEQA Guidelines requires the decision-making agency to balance the

economic, legal, social, technological, or other benefits of the proposed project against its significant and unavoidable environmental impacts. Adoption of the project requires that the Planning Commission must state in writing the reasons in support of its action based on the Final EIR and the information in the record. The Statement of Overriding Considerations, is supported by substantial evidence in the record. The Statement of Overriding Consideration and CEQA Findings are in Attachment 3.

The Statement of Overriding Considerations in Attachment 3 includes a list of factors and policies that support the public benefits of the project. These include the City's critical need for additional housing, the fact that the site is already zoned residential and is identified in the City's Housing Element as a suitable site for residential development, the importance of residential infill development near Caltrain stations, and the creation of the 2-acre public park that will preserve open space and reduce the need for nearby residents to drive elsewhere for recreation.

EIR Mitigation Monitoring

A Mitigation Monitoring and Reporting Program (MMRP) for significant impacts is required by CEQA to ensure implementation of all mitigation measures. A monitoring program identifies the mitigation measure, who is responsible for implementation, monitoring schedule and who is responsible to do the monitoring for each site. All the monitoring responsibilities for the project will be handled by the City of Sunnyvale through its Community Development, Public Works, and Public Safety Departments. The MMRP can be found in Attachment 8 to this report and will be incorporated into the Recommended Conditions of Approval under the Environmental Mitigation Measures section of Special Development Permit and Vesting Tentative Map.

EIR Alternatives

CEQA also requires the consideration of Project Alternatives to reduce the impacts of the project. The CEQA Guidelines specify that an EIR identify alternatives that "would feasibly attain the most basic objectives of the project but would avoid or substantially lessen many of the significant environmental effects of the project." Section 5 of the DEIR provides further analysis of the alternatives. This section of the DEIR considers the following three alternatives.

CEQA Alternative 1: No Project, No Development: CEQA requires analysis of the "no project" alternative. Under this alternative, the site would remain vacant and undeveloped. This alternative would result in no significant impact on the environment; however, it would not meet any of the project objectives.

CEQA Alternative 2: No Project, General Plan Buildout: The project site is zoned residential and designated for residential development under the City's General Plan. Therefore, it is reasonable to assume that if the current project was not built, another project would be built that is consistent with the site's General Plan and zoning designation. The proposed park is also assumed as part of this other project based on policies related to parks and open space for the project site. This alternative would result in similar significant impacts as the proposed project.

CEQA Alternative 3: Retain Farm Stand with Reduced Density: Alternative 3 would retain the Corn Palace Farm Stand structure with the associated parking area incorporated into the design of the proposed public park. The proposed park would be extended by 0.2 acres to include this area and therefore reduce the number of homes by 2 for a total of 56 homes where 58 are being proposed. This alternative would result in reduced significant impacts on Historic Resources, Energy,

Transportation and Circulation, and Greenhouse Gas Emissions and result in similar impacts of the proposed project on the Aesthetics, Air Quality, Biological Resources, Hazards and Hazardous Materials, and Noise and Vibration areas/resources. However, the Farm Stand has no independent historic value, and the impact of the project on the historic value of the larger farm site would remain significant and unavoidable. Preservation of the Farm Stand does not meet the City's objectives and design criteria for a park feature, community building, or historical exhibit. The City would need to negotiate with the applicant to purchase additional land and would incur additional costs for that purchase as well as costs to upgrade and maintain the Farm Stand in order to make it suitable for public use. Therefore, Alternative 3 is considered to be infeasible.

Each of the above noted alternatives are described in more detail in the Draft EIR (Attachment 6).

Adoption Process if an Alternative is Selected

If the Planning Commission selects any of the alternatives, all have reduced impacts and no further environmental review is required.

Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative other than the "no project" alternative. Based on the analysis, the environmentally superior alternative is CEQA Alternative 3. With Alternative 3, impacts to historic, energy, transportation and circulation, and greenhouse gases would be reduced when compared to the proposed project. Because this alternative would result in reduced environmental impact than the proposed project, it would be considered environmentally superior. This alternative could also meet the project's objectives, although it would result in loss of 2 dwelling units. However, Alternative 3 would not avoid significant unavoidable impacts for the loss of historic resources and construction noise, and is considered infeasible for the reasons discussed above.

Significant New Information

Testimony is sometimes received during the public review process relating to "significant new information." For an EIR, new information is considered "significant" when the following would apply:

- A substantial environmental impact resulting from the project is identified;
- A substantial increase in the severity of an environmental impact is identified;
- A new feasible project alternative or mitigation measure is identified which the project proponent refuses to adopt; and
- The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that the public comment of the draft was, in effect, meaningless.

As of the end of the comment period on the DEIR, no significant new information has been received from the public or other public agencies.

Comments on the Draft EIR

Following is a summary of the comments received:

- State Agencies- One comment from California Native American Heritage Commission
- Local Agencies - Two comments from Santa Clara Unified School District
- Commissions - 12 comments made at the Heritage Preservation Commission and 14 comments made at the Planning Commission public hearings. public hearing meeting,
- Individuals - 60 comments received

Written comments from the public include concerns regarding increased density from the current proposed density, increased traffic and construction issues. These comments are also addressed in the Final EIR.

These comments with responses are included in the Final EIR (Response to Comments - Attachment 6)

Determination of Adequacy

The “rule of reason standard” is applied to judicial review of EIR contents. This standard requires that an EIR show that an agency has made an objective, good-faith attempt at full disclosure. The scope of judicial review does not extend to correctness of an EIR’s conclusion, but only the EIR’s sufficiency as an informative document for decision-makers and the public. Legal adequacy is characterized by:

- All required contents must be included;
- Objective, good-faith effort at full disclosure;
- Absolute perfection is not required;
- Exhaustive treatment of issues is not required;
- Minor technical defects are not necessarily fatal; and
- Disagreement among experts is acceptable.

Environmental - Public Contact

All public notification procedures for the EIR were followed. The Notice of Preparation (NOP) of the EIR, responses to the NOP and the *notice for the public scoping meeting are included in Appendix A*. The EIR was distributed to the State Clearinghouse and other required and adjacent agencies on November 2, 2018 for a required 45-day public review period. A Notice of Availability of the EIR was sent to property owners within 1,000 feet of the project area on November 2, 2018. A public hearing on the Draft EIR was held with the Heritage Preservation Commission on December 5, 2018 and with the Planning Commission on December 10, 2018.

Environmental Review Recommendation

Staff finds that the proposed FEIR, consisting of the Draft EIR (incorporated by reference), comments received on the Draft EIR, response to those comments, and a list of persons and public agencies commenting on the Draft EIR, meets the requirements of CEQA both in content and format. The Draft and Final EIR documents and technical appendices can be viewed online at

<https://sunnyvale.ca.gov/business/projects/cornpalace.htm>

Should it be determined that the EIR is not adequate, the Planning Commission may state those areas of discussion where the document is deficient and recommend that additional analysis be prepared prior to certification. Any changes to the mitigation measures in the EIR may affect the accompanying determination of significance. The deletion or alteration of a mitigation measure may result in a determination of a significant unavoidable impact where a less than significant impact was determined as originally mitigated. If a mitigation measure is changed that creates a significant unavoidable impact, a Statement of Overriding Considerations will be required and a new hearing must be conducted.

No project related actions shall be taken until the FEIR is certified. As noted earlier, certification of the EIR does not approve or deny any element of the project or related development proposals.

DISCUSSION**R-1.5 zoning district**

The subject property has a base zoning of R-1.5, which was specifically created in 1989 to provide smaller lots (minimum 4,200 s.f., approximately 10 dwelling units per acre) with small homes as a more affordable single-family home option. As such, there is a 50% FAR maximum for this zoning district. There are four developments that have been developed in this zoning district. They are:

- 4 homes on White Pine Terrace developed in 1990 - Average FAR at 54%, home size ranges from 2,847 to 2,552 (this project was developed prior to the 50% FAR maximum for R-1.5).
- 59 homes on Cherrywood Drive developed in 1993 - Average FAR at 48%, home size ranges from 2,226- 3,300 s.f.
- 23 homes on Avoset Terrace developed in 1993 - Average FAR at 54%; home size ranges from 2,437- 2,839 s.f.
- 24 homes on Townsend Terrace developed in 1997 - Average FAR at 45%; house size ranges from 1,946 - 2,433 s.f.

The R-1.5 allows for single-family home development at a higher density than the surrounding R-0 zoning district (minimum lot size of 6,000 square feet, approximately 7 dwelling units per acre). Maximum lot coverage is also the same in R-1.5 and R-0 (40%). The R-1.5 zoning district has a maximum floor area ratio (FAR) of 50% whereas R-0 allows higher FARs if approved by the Planning Commission through Design Review Process.

Planned Development (PD) Combining District

The Planned Development combining district requires approval of a Special Development Permit (SDP) in order to develop the site. The purpose of the PD combining district, is stated in the Municipal Code Section 19.26.020:

The purpose of the PD combining district is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise be handled satisfactorily. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, such as, but not limited to:

- (1) *Facilitating development or redevelopment of a site to improve the neighborhood;*
- (2) *Allowing a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project;*
- (3) *Facilitating desirable development of properties at significant intersections; or*
- (4) *Allowing development and creation of lots that are less than the minimum size required in the base zoning district.*

Many infill sites have the PD combining district. To approve a SDP, the decision maker must find at least one of the following:

- (a) *Attain the objectives and purposes of the general plan, specific plan, precise*

plan, or other specialized plan of the city of Sunnyvale; or

(b) Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

Careful site planning and consideration of architecture and materials is needed for an infill neighborhood of a higher density to be compatible with existing land uses. In this case the applicant has proposed homes that are between the size of the newer single-family homes (former Corn Palace site to the west) and the older single-family homes in the neighborhood. Site planning features and roadway locations can help a project integrate into the neighborhood.

Special Development Permit

The proposed project is located in the R-1.5/PD zoning district and therefore requires a Special Development Permit. The project includes demolition of existing onsite buildings and development of 58 homes along with associated improvements including widening of existing public streets that account for approximately 0.7 acres and provision of parkland for a 2-acre public park. Deviations from the R-1.5 zoning standards can be considered through the Special Development Permit review process, providing the required finding is made. This application includes requested deviations to lot size, setbacks, lot coverage and floor area ratio.

The following sections are discussed in Sections A-N below. Development standards and requested code deviations for the proposed project are discussed through-out these sections.

- A. Site layout (including lot sizes and dimensions, setbacks,)
- B. Architecture (including architectural character, housing size, floor area ratio and lot coverage, and building height)
- C. Parking
- D. Street improvements
- E. Landscaping and Open Space
- F. Traffic and Circulation
- G. Stormwater Management
- H. Solar Access
- I. Trash and Recycling Facilities
- J. Green Building
- K. Below Market Rate Housing
- L. Park Dedication and Public Park
- M. Public and Private Street Improvements
- N. Hazardous Materials

A. Site Layout

The project includes development of 58 single-family homes and provision of a 2-acre site for a public park. The public park was chosen on the corner of Lily and Toyon Avenues as it is planned to be a neighborhood park that serves the larger neighborhood and not just the proposed project. The proposed layout indicates 12 homes facing Toyon Avenue and the remainder 46 homes will be served by a loop road (private street). A portion of this loop road faces the public park and includes 17 parallel parking spaces as guest parking for the residences. The loop road aligns with Vinemapple Avenue and ends on Dahlia Court. The proposed homes and driveways are located outside of the 40-foot corner vision triangles.

Lot Sizes and Dimensions

The R-1.5 zoning district requires a minimum lot size of 4,200 square feet. The proposed lot sizes, not including the private street, range from 3,288 to 4,883 square feet with an average lot size of 3,744 square feet. The average lot size, including the private street, is 4,583 square feet. Through the Special Development Permit deviations to the minimum lot size are permitted provided the overall density does not exceed that permitted by the underlying zoning district (in this case R-1.5). This project, as designed, would provide lots for 58 single-family homes. If the minimum lot size were required and the same private street configuration was used, there would be approximately 51 lots. If the goal is to provide additional housing units, the Planning Commission may wish to consider the private street toward the average lot size. Deviation on lot size is identified in the PD Combining District purpose statement.

In the R-1.5 zoning district, the minimum required lot width for an interior lot is 42 feet and for a corner lot it is 47 feet. The proposed lot width for a typical interior lot is 48 feet and the corner lot is 55 feet and meets the minimum lot width requirements. All the proposed lots exceed the minimum lot width dimensions.

Setbacks:

Although R-1.5 zoned lots may be smaller, the code-required setbacks are the same as those for the R-0 zoning district; whereas the R-0 zoning district has a 6,000 square foot minimum requirement. The project includes several setback deviation requests - primarily due to the relatively large homes proposed. The applicant has stated the deviation requests stem from other constraints such as providing a 2-acre public park and because the applicant is providing what they consider is a marketable home. The applicant has proposed a project that uses minimum and reduced setbacks as compared to the required setback. For purposes of setbacks, the project can be divided into three main categories:

- Homes on Toyon Avenue (12 homes/approximately 20% of total)
- Homes on private street without on-street parking bays (30 homes/ approximately 52% of total)
- Homes on private street with on-street parking bays (16 homes/ approximately 28% of total)

Attachment 11 illustrates the required setbacks for the R-1.5 zoning district and typical setbacks associated with this proposal.

Front Setbacks

- First story: The homes facing Toyon Avenue have a first story setback of 10 feet while the two homes located at the corners of Toyon Avenue/Dahlia Drive and Dahlia Drive/private street have larger setbacks that range from 22 feet to 28 feet. The homes on the private street have front yard setbacks ranging from 3 feet to 9 feet. The required first story setback is a minimum of 20 feet.
 - On-Street Parking Bays: The project uses a street parking concept similar to another small lot neighborhood on Riordan and Reston Terraces (off of Alberta Avenue) that created a neighborhood and pedestrian friendly private loop road with reduced front setbacks with on-street parking bays. In the proposed project, the eight parking bays reduce the front yard setbacks by about 6 feet, resulting in as narrow as 3 feet deep front yards. Homes without parking bays have front setbacks ranging from 22 to 9 feet.

- Second Story: The homes on Toyon Avenue have a second story setbacks ranging from 14-19 feet; while the home on the corner of Toyon Avenue/Dahlia Drive has a larger setback of 27 feet. The second story setbacks of the homes on the private street range from 14 feet to 8 feet. The code requires a minimum second story setback of 25 feet.

Side Setbacks

- First story: The applicant's approach is to provide most homes with the minimum required 4-foot setback on both sides. As per the code's combined sideyard setback, requirement, the second side of the 4-foot setback home would need to be at 8 feet for a total of 12 feet, where 4 feet is proposed for a total of eight feet. The homes on the corners have larger reducible front yard (street sideyard) setbacks that range from 5 feet to 10 feet. The proposed home (on lot 58), adjacent to the existing single-family home on Dahlia Court is setback 6 feet from the property line where a minimum of 4 is required (this setback is the same as the R-0 zoning district of the adjacent home).
- Second Story: The proposed second story sideyard setbacks typically range from 4 feet to 9 feet 6 inches where 7 feet to 11 feet is required. The corner homes with the reducible front yards are setback 5 to 10 feet from Dahlia Drive. The home on lot 58, adjacent to the existing single-family home, is setback at 6 feet where a minimum of 7 feet is required. If the site plans for the individual lots and building architecture are approved, staff recommends a Condition of Approval that the second story setback for Lot 58, on the side shared with the neighboring property (on the north) meet the minimum requirement.
- Combined Side Setbacks: Sunnyvale's development code also requires a minimum combined sideyard setback by adding the two sides of each home to result in a minimum of 12 feet for the first story and 18 feet for the second story. The proposed combined setbacks for the first and second stories range from 8 feet to 18 and do not meet the combined sideyard setback requirements except for the two homes located the corners of Dahlia Drive/Toyon Avenue and Dahlia Drive/private street (lots 12 and 13).

Rear Setbacks

The proposed homes have first and second story rear setbacks ranging from 10 feet to 20 feet where a minimum of 20 feet is required by code, although most homes have a 10-foot setback. Homes with rear yards facing Lawrence Expressway have a 12.5-foot setback. Building encroachments into the required rear setback are allowed for one-story structures, provided there is at least 10 feet and no more than 25% of the rear yard is covered.

Setback Deviations - Summary:

The project is seeking deviations from the setback requirements. The applicant contends that current lifestyles drive the housing market, which supports small backyards and greater living floor areas as compared to the traditional larger back yards. If the house size is reduced the rear yards could be increased to at least 15 feet deep as compared to the typical 10-foot rear yards proposed. Staff is concerned about these minimal setbacks and yards and recommends increased rear yard setbacks to at least 15 feet. The size of the homes is contributing to the project not meeting required setbacks. House size is further discussed below, under Architecture..

B. Architecture

The proposed architecture for the two-story homes can be categorized as agrarian/modern farmhouse style architecture. This style intends to pay homage to the sites historic use as a farm. This style is known for its warmth and simplicity, characterized by natural textures and materials like wood or galvanized steel. The overall design style can be classified as simple yet elegant. This style of architecture includes the following design elements:

- Simple forms - form follows functions, practical and ease of construction;
- Roofs - metal roofs simple gable, hip and shed roof forms; dissimilar roof materials, high-pitched roofs;
- Exterior Finish - Practical, humble and honed materials such as horizontal lap siding and cement fiber siding, board and batten siding, stone veneer;
- Porches - Front/back or wrap around with wood columns, floors and ceiling; provides a transition space between indoors and outdoors;
- Windows and doors - inset door and windows, regularly placed and shaped multi-paned windows, vertically oriented windows with dividing lights, decorative wood trim;
- Trim, accent and details - porch, covered entries with square posts, corbels, kickers details, box bay and tails details, enhanced sills, wood trellis over entries and windows, vintage farmhouse style exterior lighting fixtures; and,
- Colors - extensive use of white color, high contrast wall and trim colors, bold accent colors.

The project has four plan types and each plan type has two exterior styles making a total of eight styles of facades and elevations within the project. All eight styles include a mix of the above design elements. These styles include the use of metal roofing (at the first story level), brackets, trim around doors and windows, vertically oriented windows, multi-paned windows and doors, and siding. Side and rear elevations also include second story offsets and changes in material and windows. Homes on Toyon Avenue have a mix of all the eight styles. The four homes (Plan 2) that have their side elevations facing Dahlia Drive have additional details and change in planes that face Dahlia Drive. The proposed roof materials include concrete flat slate, composition shingles and metal roofing. The garage doors have panels and would be painted in varying colors.

Staff notes that the proposed architectural design of the homes could include an extended porch element as compared to proposed smaller entry ways, especially for the homes that face public streets. Additionally, staff recommends further improvement and refinement to the proposed architecture of the homes as noted in Condition of Approval PS 1.

Proposed House Size - Floor Area Ratio - Lot Coverage

The proposal includes four plan types. All the proposed homes include a 400-square foot garage. The average house size is approximately 3,300 square feet with 2,900 square feet of living area. For purposes of Floor Area Ratio (FAR) the front porch is exempt from the calculation to result in an average house size of 3,232 square feet.

Plan Types	Square Footage	Includes
Plan 1 12 homes	3,152 s.f.	4 bedrooms 4.5 baths
	3,829 s.f. w/ basement option	+ bonus room 1 bedroom & bath

Plan 2 4 homes	3,123 s.	4 bedrooms 4 baths
	4,063 s.f. w/basement option	+bonus room 1 bedroom & bath
Plan 3 21 homes	3, 263 s.f.	4 bedrooms 4.5 baths
	4,160 s.f. w/basement option	+bonus room 1 bedroom & bath
Plan 4 21 homes	3,465 s.f.	4 bedrooms 4.5 baths
	4,601 s.f. w/basement option	+bonus room, 1 bedroom & bath

The maximum floor area ratio in the R-1.5 zoning district is 50%; public streets are excluded in the calculation of FAR. Private streets are typically not included in R-1.5 zoning district FAR calculations, however multi-family zoning districts developed with single-family homes have included the entire site in the FAR calculation. There is no maximum FAR in multi-family zoning districts (e.g. R-2, R-3, R-4). The average FAR of the proposed single-family lots (excluding the private street) is 83% FAR; if the private street is included in the calculation, this project would have 69% FAR, which also exceeds the 50% FAR maximum for this zoning district.

The project also includes requested deviations to lot coverage for the individual lots. Only two of the lots meet the 40% maximum lot coverage.

	Calculated without private street area	Calculated including private street area	Allowed R-1.5
Actual lot size range: 3,226 - 4,883 s.f.			
Average lot size	3,816 s.f.	4,584 s.f.	4,200 s.f. min
Average FAR	83%	69%	50% max.
Average Lot Coverage	48%	40%	40% max

The FAR and lot coverage could be lowered by reducing the size of the homes. A small single-family house on a small lot is the goal of this zoning district. Reducing the home size would also assist in addressing other setback deviations. The following is a comparison between the homes built in 2013 on the adjoining portion of the corn palace site and the proposed project:

Building Height/Stories

The proposed homes are two stories, with a basement option. The basement building area is not counted towards Floor Area Ratio since more than one half the area is located below ground. The height of the homes is approximately 30 feet tall and meets the maximum height allowed for this zone. This height is similar to the height of the two-story homes on Toyon and Torrey Avenue, built in 2013.

Architecture - Summary

Staff cannot support the project with the high FAR and numerous setback and lot coverage deviations. Staff has included a Condition of Approval to reduce house size and eliminate or reduce

setback deviations to achieve a lower FAR, subject to approval by the Planning Commission. Minor deviations may be acceptable.

C. Parking

The project consists of 58 single-family homes that require a total of 4 on-site parking spaces per unit with two covered spaces (garages) and two unenclosed spaces (driveway). The project meets the off-street parking requirement with a total of 232 spaces.

Additionally, to address limited on-street parking, the project is required to provide an additional 0.4 parking spaces per dwelling unit, that results in a total of 24 on-street parking spaces. The project provides a total of 29 on-street spaces of which 17 spaces occur along the private street as parallel spaces along the park's frontage and as bay spaces along the private street. The project's frontage along the public streets (Toyon Avenue and Dahlia Drive) can accommodate 12 on-street parking spaces. Staff finds that the nine parallel spaces provided on the private street adjacent to the park are very tight and would be difficult to use. Staff recommends removing three of these parallel parking spaces in this area for a total of 26 unassigned on-street parking spaces, which is still more than the 24 spaces required.

D. Street Improvements

The proposed streetscape completes the public half streets on Toyon Avenue and Dahlia Drive in a manner that is compatible with the existing street pattern and streetscapes including sidewalks, curbs, street lights and trees. Toyon Avenue will include the landscaped/stormwater treatment bulbs found on the opposite side of the street. The private street as a loop road ending in the cul-de-sac is not a common layout pattern. As required, the project includes planting of street trees along the public streets and planting of trees along the private street in the front yards to be maintained by the Home Owner's Association (HOA). The project also includes stormwater management system that includes Silva Cells and bio-retention areas in the public right-of-way and along private street and front yards which shall all be maintained by the HOA.

E. Landscaping and Useable Open Space

The proposal includes a conceptual landscape plan. The plan indicates street tree plantings along Toyon Avenue and Dahlia Drive, and for the private street, street tree plantings occur in the front yards of the homes and will be maintained by the HOA. Each of lots will include landscaping to be installed by the developer in the front yards and the backyards landscaping will be installed by the individual home owners. The applicant notes that all front-yard and common area landscaping shall be maintained by the HOA. As per the zoning code, installation of more than 500 square feet of landscaping per lot would need to conform with Sunnyvale's landscaping requirements for water efficient landscaping.

The R-1.5 zoning district does not have a prescribed amount of landscaping or useable open space as it is considered a single-family home zone that would have adequate yards and open space, if all setbacks were observed. If an R-1.5 lot were 50 feet wide, the rear yard area would be 20 x 50 feet for a total of 1,000 s.f; with allowable projections into the rear yard the site would have at least 750 s.f. of back yard area. For comparison, the R-2 zoning district, which has a density slightly higher than the R-1.5 zoning district, has a requirement for an average of 500 s.f. of usable open space per unit. The proposed homes would have about 480 to 600-square foot rear yards. The applicant has stated that the homes are geared toward today's market which prefers smaller backyards.

Single-family design guidelines prescribe that at least 50% of the front yards be of permeable material such as landscaping and permeable paving. Staff has added a condition of approval to require the permeable materials be used in the front yards, to the extent feasible. These materials could include permeable pavers or similar options.

Of the existing on-site 28 trees, 16 trees meet the protected tree size criteria (tree trunk greater than 38 inches in circumference). One of the existing trees, a date palm tree that is located near the fruit stand, with a 32-inch trunk circumference, is a non-protected tree, but could be saved if it is outside of the new right-of-way and could be incorporated in the new public park. The arborist study notes that the tree is about 35 feet tall and is in good health. The remaining 27 trees are proposed to be removed as they are either very old, in poor health or are located within or close to the proposed building footprints, or are of a species (avocado tree) that is not suitable for relocation.

The project includes planting of street trees along its three public frontages and will also include trees along the private street. The new plantings will include at least 16 trees of 36-inch box sized trees.

Additionally, it is anticipated that the public park will also include tree plantings.

F. Traffic and Circulation

A detailed analysis of the project's impact on the existing roadway is included in the EIR (Chapter 4.7); following is a summary of the study and expected traffic impact from the project.

Traffic Study - The proposed project is expected to generate 50 AM and 64 PM peak hour trips. The public park is expected to create 9 AM peak and 7 PM peak hour trips. This trip generation does not meet Valley Transportation Authority's (VTA) threshold to require a Traffic Impact Assessment (TIA), and so the project was required to provide a Transportation Operation Analysis (TOA) to evaluate street operations in the vicinity of the site. This traffic study was also included in the EIR, which analyzes impacts based on CEQA thresholds.

The analysis considered a total of 629 net new daily trips generated by the new homes and the public park. Project trip distribution was determined based on existing traffic volumes and travel patterns, engineering judgment, and discussion with the City staff. This projected peak hour trip distribution shows that 50% of trips to and from the site will occur on Lawrence Expressway, while the other 50% occurs in the east-west direction streets including Reed Avenue/Monroe Avenue, Lilly Avenue/Cabrillo Avenue, and El Camino Real. The analysis studied traffic volumes and intersection congestion Level of Service (LOS) and the project's impact on 11 intersections for the following four scenarios:

- Existing Conditions
- Existing Plus Project Conditions
- Background Conditions
- Background Plus Project Conditions

Based on thresholds for impact, the project is not expected to adversely impact the 11 intersections and their LOS standards.

Off-site Queuing - Queuing deficiency is not considered a CEQA related impact. The City 's

Transportation and Traffic Division does not consider this queuing impact to trigger safety impacts. The result of the traffic analysis showed that traffic generated by the project results in the lengthening queues by 25 feet or more under the Existing Plus Project and Background plus Project Conditions at the following two intersections:

- Reed Avenue/Timberpine Avenue (northbound Left-Through-Right lane, AM and PM Peak period)
- Reed Avenue-Monroe Street/Lawrence Expressway (eastbound left, AM peak-period)

Recommended Traffic Related Improvements:

Reed Avenue/Timberpine Avenue: Timberpine Avenue is already constructed to ultimate build-out conditions and no additional northbound storage space is available. The project will be required to contribute towards the Intelligent Transportation System (ITS) projects through Sunnyvale's Traffic Impact Fee which is intended to improve queuing issues city-wide.

Reed Avenue-Monroe Street/Lawrence Expressway: Adding the required storage space to accommodate the additional storage length can be achieved by restriping the eastbound approach of this intersection to include dual 675-foot turn pockets (for a combined storage length of 1,350 feet) and extending the existing median about 500 feet to the west. However, the left-turn pocket extension is not feasible due to site constraints (proximity of the adjacent intersection). This type of improvement could occur in the long-term, when Santa Clara County constructs its Lawrence Expressway Grade Separation Project. The project is required to make a fair-share contribution of \$70,000 to the City, that will be allocated to future roadway improvement project(s) which may include the Lawrence Expressway Grade Separation Project.

Construction Traffic: Construction may include disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Heavy vehicles will access the site and may need to be staged for construction. These impacts can be potentially significant and would need to be mitigated by a Construction Management Plan which would include a Temporary Traffic Control Plan (TTC). The plan will include several requirements to ensure that the project construction has the least possible impacts on the neighborhood. For details, refer to Attachment 6 and 8 - EIR, MMRP.

G. Stormwater Management

The City complies with stormwater management requirements through participation in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). The stormwater management goals are achieved by incorporating Best Management Practices into the project design. Stormwater runoff is typically reduced using 100% Low Impact Development (LID) treatment measures such as rain harvesting and infiltration.

A preliminary stormwater management plan was submitted by the applicant to provide treatment to the entire development site. The project includes bio-retention areas located in the blubs along the public streets and Silva Cells throughout the site. These areas will be maintained by the HOA. A third-party expert will review the final plan prior to submitting Building permit applications.

H. Solar Access

Solar access means the absence of shadows blocking or reducing exposure to the sun to an extent

greater than 10% daily during the hours between 9 a.m. to 3 p.m. on December 21st throughout any solar cycle. Sunnyvale code limits this shadowing onto neighboring structure's roofs and/or active solar panels. It notes that applications for new construction above the first level of any structure shall include a solar shading analysis by a qualified professional. The proposed project includes 2-story homes with the same roof heights and are not expected to cast a shadow on their neighbors second story roofs within the project. However, one of the project homes (on lot 58) is adjacent to an existing two-story home on Dahlia Court with active solar panels and the plans show that a maximum of 6.6% of the roof and 20% of the active solar collectors are expected to be shaded at 9 a.m. on December 21st which has the greatest shadow. As per code, the 20% shading of the active solar cells required additional analysis which calculates the extent of the proposed structure to show a cumulative shadowing effect of less than 10% total over the course of the 365-day solar cycle. This further analysis demonstrates that the proposed home would cast a cumulative average of 4.3% shading of the solar cells. The project meets Sunnyvale code.

I. Trash and Recycling Facilities

The proposed homes will utilize the City's standard garbage and recycling carts provided for single family homes. The carts will be stored in the sideyards or garages. The containers will be placed along the street curbs for pickup by the City's garbage service.

J. Green Building

The project will be required to meet the CalGreen Mandatory measures and GreenPoint Rated Checklist indicating that the project will achieve the required minimum 80 points.

K. Below Market Rate Housing

At least twelve and one-half percent of the total number of ownership housing units or single-family lots in a project shall be developed as Below Market Rate (BMR) ownership housing. In calculating the number of BMR units required, any fraction of a whole number shall be satisfied by either developing one additional BMR unit or by paying an in-lieu fee. For the proposed 58 units, the BMR requirement is 7.25 units. The applicant may provide 8 BMR units or provide 7 units and pay the fee for the additional 0.25 units. Requests to pay a housing mitigation fee in lieu of providing the BMR units is subject to approval by the City Council and is not a part of the consideration of a Special Development Permit application.

L. Park Dedication and Public Park

As per Sunnyvale Municipal Code Chapter 18.10, the proposed project is required to dedicate land or pay a park in-lieu fee. For the 2-acre public park provided at the site, the applicant is required to dedicate a total of 0.725 acres (545 s.f. of land per unit) and the remainder 1.275 acres will be purchased by the City from the property owner for \$8,035,634. On February 5, 2019, the City Council conditionally approved a purchase and sale agreement contingent on the approval of the project and certification of the EIR (RTC No. 18-1093). The City Council's approval of the purchase and sale agreement does not commit the Planning Commission (or the City Council if appealed or called up by 2 councilmembers) to approve the project.

The park is envisioned as a neighborhood park. Its design and program will be developed by the City in accordance with the Parks and Golf Division's Park Design Guideline Analysis. The park will be designed and developed by the City at a later time; no specific time line has been identified at this time.

M. Public and Private Street Improvements

The project is required to complete the three adjoining half streets on its periphery. This includes dedication of land (total of 0.7 acres) and installation of sidewalks, curbs, ramps, stormwater drainage system, street lights and landscaping including street trees. Lily Avenue and Dahlia Drive's right-of-way (ROW) will be 62 feet wide and Toyon Avenue will be 58 feet wide. Toyon Avenue will include bulb-outs similar to those found on the opposite side of the street. These bulb-outs contain bio-retention areas as part of the stormwater drainage system for this development. The applicant is required to dedicate land to allow the three public streets adjoining the site to be completed to City standards. These public streets will include a 4 foot to 4-foot 6-inch-wide landscaping strip and 6-foot-wide sidewalks.

The private street will have a 37-foot ROW with 24-foot wide roadway, and a 4-foot wide sidewalk on one side of the street while the other side would include parallel parking bays. Trees along this street will be planted behind the sidewalk on private property and will be maintained by the HOA.

The abandoned portion of Lily Avenue, east of White Oak Drive and west of Lawrence Expressway will be modified such that there is a turn from Lily Avenue to White Oak Drive, and the existing pedestrian access from White Oak Drive to Lawrence Expressway is maintained. New sidewalk, curb and details will be installed and completed as per City standards.

N. Hazardous Materials

The historic use of the site for agricultural purposes has resulted in soil contamination from the use of pesticides and the old on-site structures have the potential to contain asbestos and lead based paint. The site is listed as a Cleanup Program Site by the State Water Resources Control Board and the Department of Toxic Substances Control. Any development at the site requires removal of the contamination through appropriate mitigation measures. The site shall be cleaned up to be suitable for residential and park use. A detailed discussion on this subject is included in the EIR (Chapter 4.6).

Vesting Tentative Map

The project subdivides the one lot into 61 lots as follows:

- 58 single-family lots, (average lot size: 3,744 s.f. without private street, 4,583 s.f. with private street)
- Private street lot (1 acre) and a remainder common lot along Dahlia Drive frontage (0.04 ac.)
- Two-acre lot for a public park.

The vesting tentative map allows the developer to vest an approved subdivision irrespective of subsequent changes that could occur in development regulations in the future. If a Special Development Permit is approved, including approval of deviations to lot size, the Vesting Tentative Map could be approved, provided the required findings for approval of a Tentative Map are made (included in Attachment 4). Conditions of approval for the Vesting Tentative Map are noted in Attachment 5.

FISCAL IMPACT

In addition to normal fees and taxes the following fees are required of the project:

Transportation Impact Fee

The project is required to pay a Transportation Impact Fee (TIF) on the total amount of new development with credit given for the two dwelling units that have occupied the site. The fee is estimated at \$174,384 under the City's existing ordinance and current fee schedule. The applicant will pay the fee in place at the time the building permits are issued.

Applicant is meeting its park dedication requirement by dedicating 0.725 acres of land. Therefore, no additional park dedication fees are required. The City will use \$8,035,634 of park dedication funds to acquire an additional 1.275 acres of land to create the 2-acre public park.

Other revenue: The project would generate increased property tax revenue from the increase in the assessed land value, and new residents would generate new sales tax from retail expenditures in the city. This increase in revenue would offset the cost of new City services needed by these new residents.

PUBLIC CONTACT**EIR**

- Notice of Preparation, April 13, 2018
- EIR Scoping Meeting, May 10, 2018
- Notice of Availability, November 2, 2018
- Heritage Preservation Commission hearing on DEIR, December 5, 2018
- Planning Commission hearing for DEIR, December 10, 2018

Notice of Public Hearing

- Published in the *Sun* newspaper
- Posted on the site
- 992 notices mailed to property owners and residents within 2,000 feet of the project site
- Notices were mailed to the Ponderosa Park Neighborhood Association and interested parties

Staff Report

- Posted on the City's website
- Provided at the Reference Section of the City's Public Library
- Made available at the City's One Stop Permit Center

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City's website

Public Contact: Other than comments on the DEIR, staff has not received any correspondence or phone calls from neighbors at the time of writing of this report.

Outreach Meetings

A neighborhood outreach meeting was held by the applicant at Ponderosa Park recreation building on October 7, 2018. Approximately 50 members of the public attended. The applicant described the project and shared the proposed site and architectural plans. Comments from the public included

existing road safety, local traffic, construction phasing, the public park and its design and amenities, sound wall between site and Lawrence Expressway, new home price and size. Increased traffic and speeding vehicles was prime concern. There were positive comments on the provision of a new public park.

Planning Commission Study Sessions

A study session was held with the Planning Commission on September 24, 2018. Site and architectural plans were reviewed. The Commission commented on the architecture being of poor quality, the project should be at a higher housing density than that proposed, and the Commissioners were supportive of the public park. Two members of the public also commented on this project and advocated higher housing density, and incorporation of solar panels in the house design.

Subsequent to the Study Session, the applicant has made changes to the architecture with an agrarian theme (modern farmhouse), and has incorporated design elements, details and materials related to this style of architecture. The applicant has not increased the number of homes proposed; thereby not changing the density of the project.

The density of the proposed project is consistent with the existing zoning and General Plan designation. State law requires local agencies to approve residential projects that are consistent with objective, written standards and criteria as they existed at the time the application was deemed complete (Government Code Section 65589.5). This law was enacted to prevent local agencies from using zoning and General Plan amendments to block residential projects during the approval process.

ALTERNATIVES

ENVIRONMENTAL IMPACT REPORT

1. Adopt a Resolution to Certify the Environmental Impact Report including the Errata in Attachment 7; make the Findings required by CEQA, and adopt the Statement of Overriding Consideration and Mitigation Monitoring Report Program in Attachment 3.
2. Do not certify the Environmental Impact Report and direct staff as to where additional environmental analysis is required.

SPECIAL DEVELOPMENT PERMIT AND VESTING TENTATIVE MAP

3. Make the Findings for the Special Development Permit and Vesting Tentative Map, Deny the requested deviations for reduced setbacks, lot coverage and FAR, and Approve the Special Development Permit and Vesting Tentative Map (included in Attachment 4 to the report), subject to recommended Conditions of Approval in Attachment 5 of the report, which include a condition that the house plans and architecture be modified to reduce house size and eliminate or reduce lot coverage, setback and floor area ratio deviations, and to require that the modified house plans and architecture be approved by Planning Commission.
4. Make the Findings for the Special Development Permit and Vesting Tentative Map and Approve the Special Development Permit and Vesting Tentative Map (included in Attachment 4 to the report) subject to modified Conditions of Approval in Attachment 5, accepting the house plans as proposed and **deleting** condition PS-1 a) in Attachment 5.
5. Alternative 3 or 4 with modifications
6. Do not approve the Special Development Permit and Vesting Tentative Map

STAFF RECOMMENDATION

Alternatives 1 and 3: 1) Adopt a Resolution to Certify the Environmental Impact Report including the Errata in Attachment 7; make the Findings required by the California Environmental Quality Act; and adopt the Statement of Overriding Consideration and Mitigation Monitoring Report Program (included in Attachment 3 to the report); and, 3) Make the Findings for the Special Development Permit and Vesting Tentative Map, Deny the requested deviations for reduced setbacks and FAR, and Approve the Special Development Permit and Vesting Tentative Map (included in Attachment 4 to the report), subject to recommended Conditions of Approval in Attachment 5 of the report, which include a condition that the house plans and architecture be modified to eliminate or reduce lot coverage, setback and floor area ratio deviations, and to require that the modified house plans and architecture be approved by Planning Commission, and to require that the modified house plans and architecture be approved by Planning Commission.

Staff has found that the EIR complies with the requirements of the California Environmental Quality Act (CEQA) and recommends that the EIR be certified.

Regarding the Special Development Permit, staff is recommending approval of the general site layout, including the deviation from minimum lot size. Staff finds that the smaller lot sizes are justified as this development is an opportunity to acquire public park area and the smaller lot sizes are consistent with the general plan density for the site. The smaller lots enable the development of a slightly larger number of housing units which is more consistent with the buildout number envisioned for the site.

Staff finds the general architectural character and design vocabulary of the homes consistent with the City design guidelines; however, staff finds that the houses are too large for the lots and that there are too many deviations in side yard and rear yard setbacks. Staff recommends that the house sizes (and architecture) be reduced and setbacks increased, subject to Planning Commission for approval. Planning Commission may wish to provide direction on average FAR for the revised architecture. If a 50% floor area ratio (FAR) is applied to the entire site (excluding public street dedications and future public park dedication) the average home sizes, including a two-car garage, would be 2,292 square feet. The zoning requirement for a 50% FAR maximum was established when none of the single-family zoning districts were subject to BMR requirements; since 2008 all for-sale residential development is subject to the requirement that 12.5% of the units be reserved for BMRs (or alternate compliance as approved by the City Council).

The Vesting Tentative Map would allow the subdivision of the property consistent with the site plan in the Special Development Permit. The developer could work on final map requirements while pursuing revisions to the house sizes.

Prepared by: Shétal Divatia, Senior Planner

Reviewed by: Gerri Caruso, Principal Planner

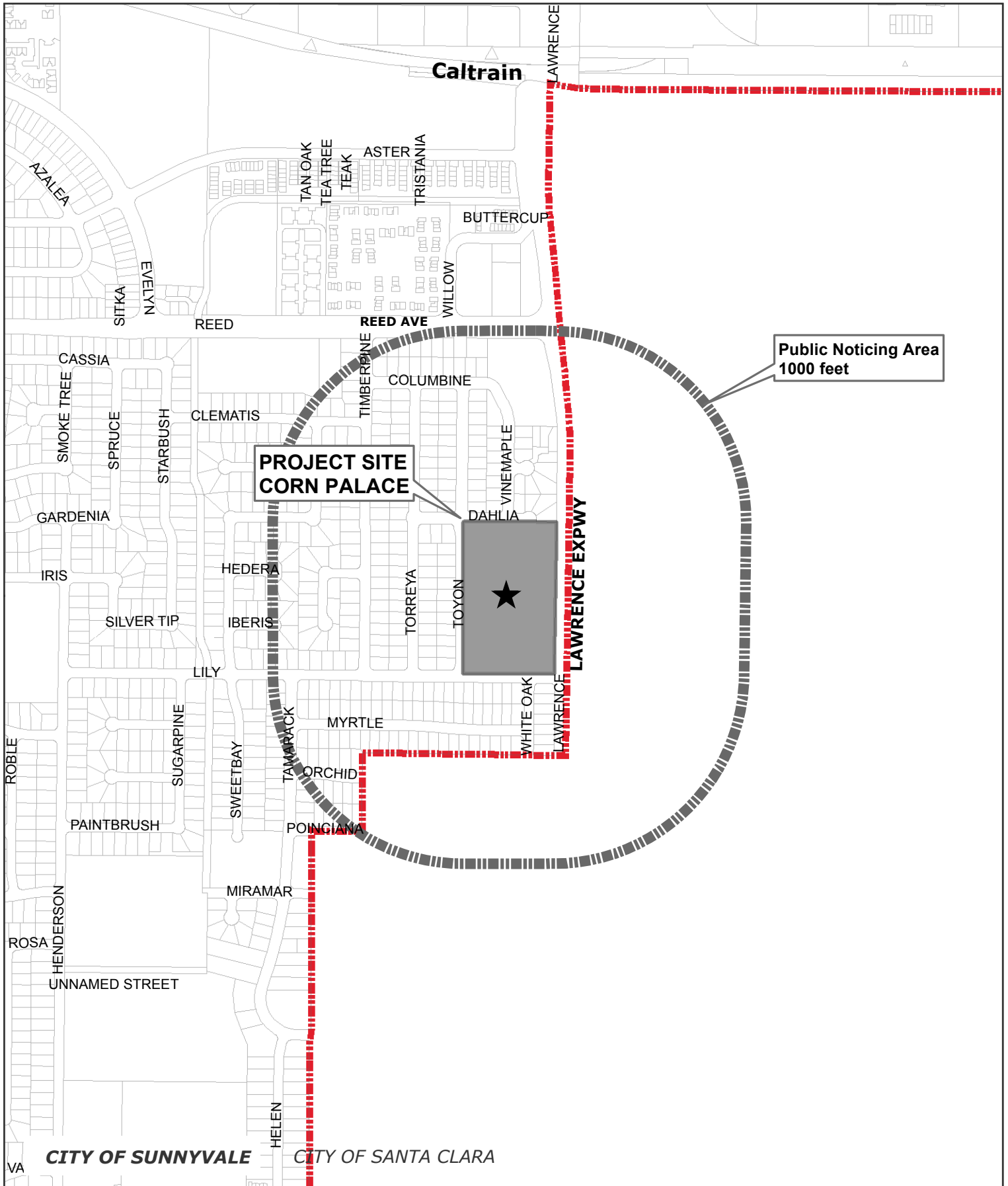
Reviewed by: Andrew Miner, Assistant Director of Community Development

Reviewed by: Trudi Ryan, Director of Community Development

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Site, Vicinity and Public Notice Mailing Map
2. Project Data Tables
3. Resolution, Findings and Statement of Overriding Considerations
4. Findings for Approval of SDP and Tentative Map
5. Recommended Conditions of Approval
6. [Link <https://sunnyvale.ca.gov/business/projects/cornpalace.htm>](https://sunnyvale.ca.gov/business/projects/cornpalace.htm) to Final EIR (includes Draft EIR and Response to Comments)
7. Errata to the Draft EIR
8. Mitigation Monitoring and Reporting Program
9. Letter from Applicant
10. Letter(s) from Neighbor(s)
11. Illustration of R-1.5 and Proposed Lot Sizes and Setbacks
12. Proposed Site and Architectural Plans and Tentative Map



2017-7451
 1142 Dahlia Ct. (APN: 213-12-001)
 Environmental Review | Special Development Permit | Tentative Map
 1000-ft Area Map



0 200 400 800 Feet

PROJECT DATA TABLE – A – OVERALL SITE

	EXISTIN G	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residenti al Low- Medium Density	Same	Residential Low-Medium Density
Zoning District	R-1.5/PD	Same	R-1.5/PD
Lot Size (s.f.) and acres	383,973 (8.8 ac)	Public park=87,480 (2 ac) Public ROW=30,627m (0.7 ac) Net lot for project=265,866 (6.1 ac) Private street=42,855 (1 ac) Remainder common lot=1,668 (0.04 ac) 58 single-family lots: Individual lots=3,226 to 4,883 Average individual lot: w/private street=4,584 w/o private street=3,816	Each lot 4,200 min.
Gross Floor Area (s.f.)	--	Total for 58 homes=187,460 Average house size=3,232 Plan 1=3,152 Plan 2=3,123 Plan 3=3,263 Plan 4=3,465	Average house size= 1,908 (based on average individual lot)
Lot Coverage	--	Total for site w/private street=40% Total for site w/o private street=48% Average for individual lots= 36 to 43%	40% max
Floor Area Ratio (FAR) (%)	--	Total for site w/private street 69% Total for site w/o private street 83%	50% max
No. of Units	2	58	--.
Density (units/acre)	0.2	9.5	10 max.
No. of Buildings On- Site	6	58	NA
Distance Between Buildings	--	8	8' min.
Building Height	--	28'6"	30' max.
No. of Stories	--	2	2 max.



ATTACHMENT 2

2017-7451
1142 Dahlia Court (Corn Palace)
Page 2 of 4

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Setbacks for the Project Site (individual lots on separate table)			
★ Front (Toyon Av): First floor Second Floor		10'-30' 14'4"-35'6"	20' min. 20' min.
★ Side 1 (Dahlia Dr/Ct): First Floor Second Floor	--	4'-16'9" 4'-16'9"	0-4' min 3'-7' min
Side 2 (public park): First Floor Second Floor	--	4'-20'7" 4'-31'3"	0-4' 3'-7'
★ Combined Total Sides First Floor/Second Floor	--	8'/8'	12'/18'min.
★ Rear (Lawrence Expwy): First Floor Second Floor		12'6 -13' 12'6"-17'3"	20'/10' min 20' min
Total Landscaping (s.f.)		Public park Total for project=73,023 1.259 per unit	No min.
Parking			
Total Spaces	--	Total for project=232 Individual lot=4; 2 covered+ 2 uncovered <i>Unassigned=17+12(on-street)</i>	232 4; 2+2 24
Bicycle Parking	--	0	0

★ Starred items indicate deviations from Sunnyvale Municipal Code requirement

PROJECT DATA TABLE B – INDIVIDUAL HOUSE SETBACKS

Plan Type	Location	1st Floor Setbacks		2nd Floor Setbacks		Required
		Ranging		Ranging		
		From	To	From	To	Min.
PLAN 1 House size: 3,152 s.f.						
Front yard setback						
	Toyon Avenue	10' - 9'-8"	30'	14'-3'-6"	35'-6"	20'
	Private street w/parking bay	4' - 3'-8"	32'	8'-3'-6"	37'-6"	
	Private street w/o parking bay	10' - 9'-8"	30'	14'-3'-6"	35'-6"	
Side yard setbacks						
	Toyon Avenue	4'	8'	14'-3"	35'-6"	One side: 1 st floor =4' 2 nd floor=7'; Other side: 1 st floor=8' 2 nd floor=11'
	Private street w/parking bay	4'	8'	8'-3"	37'-6"	
	Private street w/o parking bay	4'	8'	14'-3"	35'-6"	
Rear yard setback						
	Toyon Avenue	10'-8"	14'-10"	10'-8"	14'-10"	20' -10' (25% encroachment)
	Private street w/parking bay	10'-8"	14'-10"	10'-8"	14'-10"	
	Private street w/o parking bay	10'-8"	17'-6"	10'-8"	17'-6"	
PLAN 2 House size: 3,123 s.f.						
Front yard setback						
	Toyon Avenue	22'	39'-8"	27'	39'-8"	20'
	Private street w/parking bay	-	-	-	-	
	Private street w/o parking bay	9'	27' - 46'	16'	27' - 46'	
Sideyard setbacks						
	Toyon Avenue	4'	17'	4'	17'	One side: 1 st floor =4' 2 nd floor=7'; Other side: 1 st floor=8' 2 nd floor=11'
	Private street w/parking bay	4'	-	-	-	
	Private street w/o parking bay	4'	11'-10" - 17'-6"	4'	11'-10" - 17'-6"	
Rear yard setback						
	Toyon Avenue	4'	17'	4'	17'	20' -10' (25% encroachment)
	Private street w/parking bay	4'	-	-	-	
	Private street w/o parking bay	4'	11'-10" - 17'-6"	4'	11'-10" - 17'-6"	

ATTACHMENT 2

2017-7451
1142 Dahlia Court (Corn Palace)
Page 4 of 4

Plan Type		Location	1st Floor Setbacks		2nd Floor Setbacks		Required
			Ranging		Ranging		
			From	To	From	To	Min.
PLAN 3 House size: 3,262 s.f.							
Front yard setback							
	Toyon Avenue	9'	18'	19'-4"	38'- 10'-6"	20'	
	Private street w/parking bay	3' - 4'	20'	13'-4"	40' - 10'-6"		
	Private street w/o parking bay	9'	18'	19'-4"	38' - 10'-6""		
Side yard setbacks							
	Toyon Avenue	4'	13'	4'	13'	One side: 1 st floor =4' 2 nd floor=7'; Other side: 1 st floor=8' 2 nd floor=11'	
	Private street w/parking bay	4'	13'	4'	13'		
	Private street w/o parking bay	4'	13'	4'	13'		
Rear yard setback							
	Toyon Avenue	10'	10'	10'	10'	20' -10' (25% encroachment)	
	Private street w/parking bay	10'	10'	10'	10'		
	Private street w/o parking bay	10'	12'-8"	10'	12'-6"		
PLAN 4 House size: 3,465 s.f.							
Front yard setback							
	Toyon Avenue	9' - 9'-8"	18'	16'-6"	37'-9"	20'	
	Private street w/parking bay	3' - 3'-8"	20'	18'-6"	20'-9"		
	Private street w/o parking bay	9'* - 9'8"	18'	16' - 6'-6"	37' - 9'-6"		
Side yard setbacks							
	Toyon Avenue	4'	16'-6"	4'	16'-6"	One side: 1 st floor =4' 2 nd floor=7'; Other side: 1 st floor=8' 2 nd floor=11'	
	Private street w/parking bay	4'	16'-6"	4'	16'-6"		
	Private street w/o parking bay	4'	16'-6"	4'	16'-6"		
Rear yard setbacks							
	Toyon Avenue	10'	10'	10'	10'	20' -10' (25% encroachment)	
	Private street w/parking bay	10'	10'	10'	10'		
	Private street w/o parking bay	10'	12'-8"	10'	12'-8"		

★ Starred items indicate deviations from Sunnyvale Municipal Code requirement

PLANNING COMMISSION RESOLUTION NO. ____

**A RESOLUTION OF THE SUNNYVALE PLANNING
COMMISSION CERTIFYING THE ENVIRONMENTAL
IMPACT REPORT, MAKING FINDINGS REQUIRED BY
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
ADOPTING THE MITIGATION AND MONITORING
REPORTING PROGRAM, AND STATING OVERRIDING
CONSIDERATIONS IN THE APPROVAL OF THE CORN
PALACE RESIDENTIAL DEVELOPMENT PROJECT**

WHEREAS, the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*, ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 *et seq.*) (the "CEQA Guidelines") requires local agencies to consider environmental consequences of projects for which they have discretionary authority; and

WHEREAS, a Draft Environmental Impact Report ("DEIR") and Final Environmental Impact Report ("FEIR", collectively, the "EIR") has been prepared for and by the City of Sunnyvale for the Corn Palace Residential Development Project ("the Project") pursuant to CEQA and the CEQA Guidelines (State Clearinghouse #2018042040); and

WHEREAS, the EIR addresses the environmental impacts of the Project, which is further described in Sections 5 of Exhibit A attached hereto; and

WHEREAS, in conformance with CEQA, the City has issued notices, held public hearings, and taken other actions as described in Section 3 of Exhibit A attached hereto; and

WHEREAS, the EIR is incorporated by this reference in this Resolution, and consists of those documents referenced in Section 4 of Exhibit A attached hereto; and

WHEREAS, a public hearing was held by the Planning Commission on March 11, 2019, regarding the Project and the EIR, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the EIR was considered; and

WHEREAS, Public Resources Code Section 21151 authorizes a City Council to delegate responsibility for certifying an EIR to a non-elected Planning Commission if the Planning Commission has approval authority over the project pursuant to the City's Municipal Code; and

WHEREAS, on June 8, 2004, the City Council adopted local guidelines for implementation of the California Environmental Quality Act (CEQA) (Resolution #118-04) which provide that a Final EIR “shall be reviewed and certified by the decision making body” and that the decision-making body “shall adopt a statement of overriding considerations and mitigation monitoring plan as necessary under the circumstances”; and

WHEREAS, pursuant to Sunnyvale Municipal Code Sections 19.90.020(b) and 18.04.030(b)(3), the Planning Commission is the decision-making body for the Corn Palace Residential Project with authority to approve the Special Development Permit and Vesting Tentative Map for the Project; and

WHEREAS, by this Resolution, the Planning Commission of the City of Sunnyvale, as the lead agency under CEQA for preparing the EIR and the entity responsible for approving the Project, desires to comply with the requirements of CEQA and the CEQA Guidelines for consideration, certification, and use of the EIR in connection with the approval of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. The Planning Commission hereby finds and certifies that the EIR has been completed in compliance with CEQA and the CEQA Guidelines; that the EIR adequately addresses the environmental issues of the Project; that the EIR was presented to the Planning Commission; that the Planning Commission has reviewed and considered the information contained in the EIR prior to approving the Project; and that the EIR reflects the independent judgment and analysis of the Planning Commission.

2. The Planning Commission hereby identifies the significant effects, adopts the mitigation measures, adopts the monitoring Mitigation Monitoring and Reporting Plan to be implemented for each mitigation measure, makes the findings, and adopts a statement of overriding considerations set forth in detail in the attached Exhibit A, which is incorporated in this Resolution by this reference. The statements, findings and determinations set forth in Exhibit A are based on the above certified EIR and other information available to the Planning Commission, and are made in compliance with Sections 15091, 15092, 15093, and 15096 of the CEQA Guidelines and Sections 21081 and 21081.6 of CEQA.

Adopted by the Planning Commission at a regular meeting held on March 11, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

Planning Commission Secretary
(SEAL)

Chair



Findings of Fact and Statement of Overriding Considerations for the Corn Palace Residential Development Project

Prepared for:

City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

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ACRONYMS AND ABBREVIATIONS

CEQA	California Environmental Quality Act
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
project	Corn Palace Residential Development Project

1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Corn Palace Residential Development Project (project).

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

- A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

The requirements of Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project.

2 PROJECT DESCRIPTION

The project is the proposed demolition of a farm stand, associated paved parking area, three homes, outbuildings and sheds, and redevelopment of the project site as a master-planned residential community of 58 single-family residential homes on 6.1 acres, a public park on up to 2 acres, and 0.7 acre to be dedicated for public facilities and roadway area improvements (see Exhibit 1-2 of the FEIR). The project site is currently designated as Low-Medium Density Residential in the City of Sunnyvale General Plan Land Use and Transportation Element (LUTE) and the Lawrence Station Area Plan (LSAP). The project site is also zoned as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5/PD). The project would be consistent with the current land use designation and zoning.

Project requested City entitlements include the following:

- ▲ Approval of a Special Development Permit for site and architectural (i.e. design) review under City Municipal Code Chapter 19.90; and
- ▲ Approval of a tentative subdivision map.

2.1 PROJECT LOCATION AND SETTING

The project site is located along the City's eastern boundary with the City of Santa Clara on an 8.8-acre site (Assessor's Parcel Number 213-12-001). The project site is bounded by Dahlia Drive to the north, Lawrence Expressway to the east, Lily Avenue to the south, and Toyon Avenue to the west. Surrounding land uses are comprised of single-family residential developments and Lawrence Expressway. Refer to Exhibit 1-1 of the FEIR for an aerial view of the project site and surrounding vicinity.

2.2 PROJECT BACKGROUND

The project site is relatively flat and currently contains vacant land and structures. A vacant farm stand, associated parking area, and agricultural supply well are located in the southeast corner of the project site. Three single-family homes with three outbuildings and other shed structures are located in the northern portion of the project site. One of the homes is currently occupied and other two are vacant (1142 Dahlia Court and 1150 Dahlia Court). One of two vacant homes is boarded-up and uninhabitable. The homes have been or are currently connected to a water supply well and septic tanks. The remainder of the project site was historically used as agricultural land and had been under a Williamson Act contract until its cancellation in 1990 (City of Sunnyvale 1990). The land was last cultivated in 2015 and since then is mowed or disked as needed up to five times a year for purpose of fire safety.

In December 2016, the City Council approved the LSAP. The environmental effects of the LSAP were evaluated in its EIR (State Clearinghouse No. 2013082030). The LSAP, which includes the project site, guides future development of the 372-acre urbanized area surrounding the Lawrence Caltrain Station that better supports and promotes public transit usage. The LSAP designates this site as Low-Medium Density Residential and is intended to be developed consistent with existing adjacent residential uses.

In April 2017, the City Council adopted an update to the City's LUTE of its General Plan. Consistent with the LSAP, the LUTE also designates land uses at the project site as Low-Medium Density Residential.

2.3 PROJECT OBJECTIVES

The City and the applicant have identified the following project objectives:

- ▲ Create a residential community offering two-story single-family detached homes for sale in an area with low, new home availability.
- ▲ Provide housing located within close proximity to major regional transit and several large private tech employers.
- ▲ Meet and/or exceed Green Building Standards.
- ▲ Create a project that will set aside a 2-acre public park on-site for future residents and surrounding neighborhoods.

- ▲ Create a residential community that makes efficient use of land while offering lower densities and building masses that complement existing residential developments of adjacent land uses in the project area.
- ▲ Create a residential development that is consistent with the City's vision and goals for sustainable growth and economic development.

3 PROCEDURAL FINDINGS

Based on the nature and scope of the project, the City of Sunnyvale (City) determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR for the project. The EIR (State Clearinghouse No. 2018042040) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA (Public Resources Code Sections 2100 et seq.) and the CEQA Guidelines (14 California Code of Regulations Sections 1500 et. seq.), and additional noticing and opportunities for public comment were also provided, as follows:

- A. A Notice of Preparation (NOP) was prepared and circulated on April 13, 2018, for a minimum 30-day period of public and agency comment. The NOP was submitted to the State Clearinghouse and Santa Clara County Clerk-Recorder. The NOP was sent to responsible and trustee agencies during the 30-day public comment period.
- B. A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on May 10, 2018 in the City Council Chambers at 456 W. Olive Avenue, Sunnyvale, CA 94086.
- C. A Notice of Completion and copies of the draft EIR (DEIR) were distributed to the Office of Planning and Research on November 2, 2018, to those public agencies that have jurisdiction by law with respect to the project, or which exercise authority over resources that may be affected by the project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- D. A Notice of Availability of the DEIR was mailed on November 2, 2018, to all interested groups, organizations, and individuals who had previously requested notice in writing. The Notice of Availability stated that the City had completed the DEIR and that copies were available on the City's website: <https://sunnyvale.ca.gov/business/projects/cornpalace.htm>. Hard copies of the DEIR were made available at the City's One-Stop Permit Center at 456 W. Olive Avenue, Sunnyvale CA, 94086 and the Sunnyvale Community Center at 550 E Remington Dr, Sunnyvale, CA 94087.
- E. The public comment period on the DEIR began on November 2, 2018, and concluded on December 17, 2018.
- F. Input on the Historic and Unique Archeological Resources section of the Draft EIR was taken at the Heritage Preservation Commission Hearing on December 5, 2018. A public hearing was held on December 10, 2018 before the Planning Commission, to receive input from agencies and the public on the DEIR.
- G. Pursuant to Assembly Bill (AB) 52, the City distributed letters dated August 14, 2018 to the California tribes that are culturally and geographically affiliated with the project area. Representatives for the following tribes were notified: Band of Mission San Juan Bautista; Amah Mutsun Tribal Band; Cahto Tribe; Coyote Valley Band of Pomo Indians; Guidiville Rancheria of California; Hopland Band of Pomo Indians; Indian Canyon Mutsun Band of Costanoan; Kashia Band of Pomo Indians of the Stewarts Point Rancheria; Manchester Band of Pomo Indians; Muwekma Ohlone Indian Tribe of the San Francisco Bay Area; Novo River Indian Community; Pinoleville Pomo Nation; Potter Valley Tribe; Redwood Valley or Little River Band of Pomo; Sherwood Valley Band of Pomo Indians; and the Ohlone Indian Tribe. No written request to consult was received from any of the tribes within the

required 30-day time period. Therefore, the consultation process under PRC Section 21080.3.1(b) was concluded.

- H. The City provided written responses to all comments received during and after the comment period referenced above for the DEIR and additional information added by the City was subsequently added to the DEIR to produce the Final EIR (FEIR).
- I. The Final EIR was released on March 1, 2019. The FEIR consists of the following items:
 - The DEIR released on November 2, 2018;
 - Responses to Comments; and
 - Revisions to the DEIR.
- J. The Project and the EIR came before the Planning Commission on March 11, 2019, at a duly and properly noticed public hearing. On this date, the Planning Commission adopted the following findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the DEIR were provided at least 10 days to review the proposed responses prior to the date for consideration of the FEIR for certification.

4 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6, subdivision (e), the record of proceedings for the City's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- ▲ The application package, and all attachments and supplemental information thereto.
- ▲ City staff reports and all attachments;
- ▲ The DEIR and all appendices to the DEIR;
- ▲ The FEIR and all appendices to the FEIR;
- ▲ All notices required by CEQA and presentation materials related to the project;
- ▲ All comments submitted by agencies and members of the public during the comment period on the Notice of Preparation and the DEIR;
- ▲ All studies conducted for the project and contained or referenced in the DEIR and the FEIR;
- ▲ All documents cited or referenced in the DEIR and the FEIR;
- ▲ All public reports and documents related to the project prepared for City and other agencies;
- ▲ All documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the DEIR, and the FEIR;
- ▲ All other documents related to the project;
- ▲ The mitigation monitoring and reporting program (MMRP) for the project; and

- Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Sunnyvale One-Stop Permit Center at 456 W. Olive Avenue, Sunnyvale, CA 94086.

The FEIR is incorporated into these findings in its entirety, unless and only to the extent these findings expressly do not incorporate by reference the FEIR. The FEIR is also available at <https://sunnyvale.ca.gov/business/projects/cornpalace.htm>. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

5 FINDINGS REQUIRED UNDER CEQA

PRC section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 of the PRC goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR (CEQA Guidelines Section 15091[a][1]). For purposes of these finding, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR (CEQA Guidelines Section 15091[a][3]). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, “Findings Required Under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

5.1 SUMMARY OF FINDINGS

The DEIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The DEIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, “Statement of Overriding Considerations,” however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project’s significant effects and mitigation measures are set forth in these Findings of Fact. The Summary of Findings does not attempt to regurgitate the full analysis of each environmental impact contained in the FEIR. Please refer to the DEIR and the FEIR for more detail.

The following provides the title of each potentially significant and significant impact and applicable mitigation measures identified in the FEIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the FEIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

5.1.1 Findings Regarding Errata and EIR Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the DEIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

CEQA Guidelines Section 15088.5 states “significant new information” requiring recirculation may include:

(1) A new significant environmental impact that had not previously been disclosed in the draft EIR would result from the project or from a new mitigation measure;

- (2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- (4) The draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The City made certain changes to the DEIR after this document was released. As described in Chapter 3, "Revisions to the DEIR," of the FEIR, minor changes were made to Mitigation Measure 4.3-1b (Create an Interpretive Program, Exhibit, or Display); 4.3-2 (Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features); Impact 4.4-3 (Disturbance to or Loss of White-Tailed Kite, Nesting Raptors, and Other Birds); and Mitigation Measure 4.4-3 (Protection Measures for Nesting Raptors and Other Birds). No impacts identified in the DEIR would be substantially increased because of changes to the project or mitigation measures following recirculation. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the EIR that the City has declined to adopt. Therefore, additional recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

5.1.2 Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the EIR of all project-specific impacts identified as "no impact" or "less than significant" and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the EIR. The impacts where the project would result in either no impact or a less than significant impact, and which require no mitigation, are identified and described within Chapter 1, "Introduction," and Chapter 2, "Executive Summary," Table 2-1, Summary of Impacts and Mitigation Measures, and throughout Chapter 4, "Environmental Impacts and Mitigation Measures," of the DEIR. (DEIR, Chapter 2, pages 2-4 - 2-33, and Chapter 4)

5.1.3 Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are listed below and summarized within Chapter 2, "Executive Summary," Table 2-1, Summary of Impacts and Mitigation Measures, of the DEIR and Chapter 3, "Revisions to the DEIR," of the FEIR. Please refer to the DEIR and FEIR for more detail.

AIR QUALITY

Impact 4.2-1: Short-term, construction-generated emissions of ROG, NO_x, PM₁₀, and PM_{2.5}

Mitigation Measure 4.2-1: Implement Construction-Related Measures to Reduce Fugitive Dust Emissions

The applicant shall require its construction contractors to implement BAAQMD's Basic Construction Mitigation Measures (BAAQMD 2017b), including but not limited to the following:

- ▲ Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- ▲ Cover all haul trucks transporting soil, sand, or other loose material off-site.
- ▲ Remove all visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day (dry power sweeping is prohibited).
- ▲ Limit all vehicle speeds on unpaved roads to 15 miles per hour.
- ▲ Pave all roadways, driveways, and sidewalks as soon as possible, and lay building pads as soon as possible after grading (unless seeding or soil binders are used).
- ▲ Minimize idling times by shutting equipment off when not in use or reducing the maximum idling time to five minutes. The project will provide clear signage for construction workers at access points.
- ▲ Maintain and properly tune all construction equipment in accordance with manufacturers specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- ▲ Post a publicly visible sign with the telephone number and person to contact at the Lea Agency regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Significance After Mitigation

As shown in DEIR Table 4.2-4, exhaust emissions generated by bioremediation and construction activities would not exceed BAAQMD's applicable thresholds of significance for any criteria pollutants or precursors but fugitive PM₁₀ and PM_{2.5} dust emissions could contribute to localized pollutant concentrations that exceed applicable NAAQS and CAAQS if dust control measures are not implemented. Implementation of BAAQMD's Best Management Practices required by Mitigation Measure 4.2-1 would ensure that construction-related emissions of PM₁₀ and PM_{2.5} would not result in a localized exceedance of the NAAQS and CAAQS or associated human health effects for these pollutants. Therefore, implementation of Mitigation Measures 4.2-1 would reduce construction-related air quality impacts to a **less-than-significant** level. (DEIR pages 4.2-12 through 4.2-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen this construction air quality impact identified in the FEIR.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 4.3-2: Potential Impacts to Unique Archaeological Resources

Mitigation Measure 4.3-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the

archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifact. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal artifact. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City of Sunnyvale regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the City of Sunnyvale shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. The tribal representative will determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The City shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

Significance After Mitigation

Implementation of Mitigation Measure 4.3-2 would reduce impacts associated with archaeological resources to a **less-than-significant level** because it would require the performance of feasible, professionally accepted, and legally compliant procedures for the protection of discovered, previously undocumented archaeological resources. (DEIR page 4.3-14 and FEIR pages 3-1 and 3-2)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potential impact to unique archaeological resources identified in the FEIR.

BIOLOGICAL RESOURCES

Impact 4.4-1: Disturbance to or Loss of Special-Status Plant Species and Habitat

Mitigation Measure 4.4-1: Congdon's Tarplant Survey and Avoidance

Before commencing of any ground disturbance or vegetation removal activities, the project applicant shall implement the following measures to reduce potential impacts to Congdon's tarplant.

- ▲ Before ground disturbance and during the May to November blooming period for Congdon's tarplant, a qualified botanist shall conduct a focused survey for Congdon's tarplant on the project site. This shall include visiting a reference population near the project site to confirm whether the species is blooming or otherwise identifiable in advance of the focused survey.
- ▲ If Congdon's tarplant is not found, the botanist shall document the findings in a letter report to the City of Sunnyvale and the project applicant and no further mitigation will be required.
- ▲ If Congdon's tarplant is found and it located outside of the permanent project footprint and can be avoided, the applicant will establish and maintain a protective buffer of sufficient size around the plant to be retained to ensure avoidance.
- ▲ If individual Congdon's tarplant specimens are found that cannot be avoided during construction, the project applicant shall consult with CDFW to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction. The project applicant shall implement measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include creation of offsite populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals.

Significance After Mitigation

Implementation of Mitigation Measure 4.4-1 would reduce significant impacts on special-status plants to a **less-than-significant** level because it would require surveys and avoidance of Congdon's tarplant or provide compensation for loss of Congdon's tarplant through enhancement of existing populations, creation and management of offsite populations, conservation easements, or other appropriate measures. (DEIR pages 4.4-11 and 4.4-12)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to special-status plants identified in the FEIR.

Impact 4.4-2: Disturbance to or Loss of Burrowing Owl

Mitigation Measure 4.4-2: Protection of Burrowing Owl

The applicant shall implement the following conditions before, and during, grading activities:

- ▲ The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on the project site and accessible areas of suitable habitat on the project site. Surveys shall be conducted before the start of construction activities and in accordance with Appendix D of CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).
- ▲ If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to the City of Sunnyvale and CDFW and no further mitigation would be required.
- ▲ If an active burrow is found during the nonbreeding season (September 1 through January 31), the applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat proximate to the burrows to be destroyed, that provide substitute burrows for displaced owls.
- ▲ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to prevent burrowing owls from being detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report.
- ▲ If active burrowing owl nests are found on the project site and are destroyed by project implementation, the project applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls adversely affected are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing

mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:

- Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide.
- If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity.
- If suitable habitat is not available for conservation adjacent or proximate to the project site, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. If mitigation credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW.
- If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the project site and if the numbers are maintained over time. Measures of success, as suggested in the 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

Significance After Mitigation

Implementing Mitigation Measure 4.4-2 would reduce potential impacts on burrowing owl to a **less-than-significant** level because burrowing owls would be avoided and protected from construction activities, or the project applicant would compensate for project-related loss of suitable occupied habitat. (DEIR pages 4.4-12 through 4.4-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to burrowing owls identified in the FEIR.

Impact 4.4-3: Disturbance to or Loss of White-Tailed Kite, Nesting Raptors, and Other Birds

Mitigation Measure 4.4-3: Protection Measures for Nesting Raptors and Other Birds

The applicant shall impose the following conditions before, and during, construction:

- To minimize the potential for loss of nesting raptors and other native, migratory birds, tree removal activities will only occur during the nonbreeding season (September 1-January 31). If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required.

- ▲ Before removal of any trees or other vegetation, or ground disturbing activities between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for nesting raptors and other birds and will identify active nests within 500 feet of the project site. The surveys will be conducted before the beginning of any construction activities between February 1 and August 31.
- ▲ Impacts to nesting raptors will be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Activity will not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Typical buffers are 500 feet for raptors, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during construction activities may be required if the activity has potential to adversely affect the nest.
- ▲ Trees will not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.

Significance After Mitigation

Implementation of Mitigation Measure 4.4-3 would reduce impacts on white-tailed kite, nesting raptors, and other native, migratory birds to a **less-than-significant** level because preconstruction surveys would be conducted, and active raptor and other bird nests would be protected from construction activities. (DEIR page 4.4-14 and FEIR page 3-6)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to white-tailed kite, nesting raptors, and other native, migratory birds identified in the FEIR.

Impact 4.4-4: Consistency with Sunnyvale Tree Preservation Ordinance

Mitigation Measure 4.4-4: Tree Protection Requirements

- ▲ The applicant will prepare and submit an arborist report to the director of community development showing the location, size, and species of all trees (protected and unprotected) on the project site. The report must indicate which, if any, protected trees are planned for removal and explain why the trees cannot be relocated or the project design altered to maintain the trees. An application for a protected tree removal permit will also be submitted to the director of community development. Removal of protected trees may be permitted at the discretion of the director.
- ▲ Protected trees designated for preservation shall be protected during project construction using the following methods:
 - Protective fencing shall be installed no closer to the trunk than the dripline, and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of 4 feet in height and shall be set securely in place. The fence shall be made of sturdy but open material (e.g., chain link) to allow visibility to the trunk for inspections and safety.
 - The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the director of community development.
 - Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree.

- Pruning that is necessary to accommodate a project feature, such as a building, road, or walkway, shall be reviewed and approved by the department of community development and the department of public works.
- New landscaping installed within the dripline of an existing tree shall be designed to reproduce a similar environment to that which existed before construction.

Significance After Mitigation

Implementation of Mitigation Measure 4.4-4 would reduce impacts to a **less-than-significant** level by requiring protection of protected trees or mitigation following removal of protected trees, and by maintaining compliance with the City of Sunnyvale Tree Preservation Ordinance. (DEIR page 4.4-15)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to protected trees identified in the FEIR.

HAZARDS AND HAZARDOUS MATERIALS

Impact 4.6-2: Create Potential Human Health Hazards From Exposure to Existing On-Site Hazardous Materials

Mitigation Measure 4.6-2: Complete Excavation, Validation Testing, and Case Closure Activities Associated with the FSRAWP

The project applicant shall direct that all activities listed in the FSRAWP are completed by the contractor before the start of construction. These activities include the following and will be noted in the project's improvement plans.

Design and pre-field work tasks:

- ▲ pre-sampling surveys;
- ▲ attainment of necessary permits (e.g., BAAQMD fugitive dust emission and City grading plan);
- ▲ preparation of a human health risk assessment and site-specific Health and Safety Plan to be approved by DEH; and
- ▲ pre-fieldwork activities, such as securing site access, delineation of exclusion zones, and placement of temporary construction fences.

Remedial actions consist of:

- ▲ excavation of contaminated soils,
- ▲ soil grading to backfill excavation areas to match surrounding,
- ▲ confirmation sampling to ensure that contaminant levels meet SFRWQCB requirements, and
- ▲ completion of closure procedures through DEH approval process.

During the excavation activities discussed in the FSRAWP, a field engineer or geologist under the supervision of a California Professional Geologist or Engineer will document field observations. The field notes will contain pertinent observations about excavation dimensions, equipment operation, unusual conditions encountered during excavation, date and time of arrival, general site conditions, and other field

observations relating to the project site. Field documentation will also include photographs, written logs, information about site meetings, health and safety training, and chain-of-custody records.

Following attainment of Remedial Action Objectives, as validated by soil sampling and testing, a closure request report will be developed and submitted to DEH. The report will include any changes to the proposed design and will provide the results of the validation testing along with a request for unrestricted site case closure. Construction of the project will not begin until case closure has been granted by DEH.

Significance After Mitigation

With implementation of Mitigation Measure 4.6-2, the potential for soil and groundwater contamination would be reduced to a **less-than-significant** level because contaminated soils and hazardous building materials would be properly removed and septic tanks and wells would be abandoned according to applicable standards. (DEIR pages 4.6-9 and 4.6-10).

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to soil and groundwater contamination identified in the FEIR.

TRANSPORTATION AND CIRCULATION

Impact 4.7-5: Construction-Related Impacts on Traffic

Mitigation Measure 4.7-5: Preparation and Implementation of a Temporary Traffic Control Plan

Before the beginning of construction or issuance of building permits, the developer or the construction contractor will prepare a temporary traffic control plan (TTC) to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies.

The TTC shall include all information required on the City of Sunnyvale TTC Checklist and conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall include and/or show:

- ▲ provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow;
- ▲ provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions;
- ▲ description of proposed work zone;
- ▲ description of detours and/or lane closures (pedestrians, bicyclists, vehicular);
- ▲ description of no parking zone or parking restrictions;
- ▲ provide appropriate tapers and lengths, signs, and spacing;
- ▲ provide appropriate channelization devices and spacing;
- ▲ description of buffers;
- ▲ provide work hours/work days;
- ▲ dimensions of above elements and requirements per latest CA–MUTCD Part 6 and City of Sunnyvale's SOP for bike lane closures;

- ▲ provide proposed speed limit changes if applicable;
- ▲ description of bus stops, signalized and non-signalized intersection impacted by the work;
- ▲ show plan to address pedestrians, bicycle and ADA requirement throughout the work zone per CA-MUTCD Part 6 and City of Sunnyvale's SOP for Bike lane closures;
- ▲ indicate if phasing or staging is requested and duration of each;
- ▲ description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns;
- ▲ provide all staging areas on the project site; and
- ▲ ensure that the contractor has obtained and read the City of Sunnyvale's TTC Guidelines and City of Sunnyvale's SOP for bike lane closures;
- ▲ ensure traffic impacts are localized and temporary.

Significance After Mitigation

Implementation of Mitigation Measure 4.7-5 would require the developer or construction contractor to prepare and implement a TTC consistent with CA-MUTCD, Part 6: Temporary Traffic Control and City of Sunnyvale TTC guidelines, and that meets with the approval of the City of Sunnyvale Division of Transportation and Traffic. Thus, Mitigation Measure 4.7-5 would reduce the temporary impact to the degree feasible. Additionally, construction traffic impacts would be localized and temporary. For these reasons, construction traffic impacts of the project would be **less than significant**. (DEIR pages 4.7-35 and 4.7-36).

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to construction traffic identified in the FEIR.

GREENHOUSE GAS EMISSIONS

Impact 4.8-1: Project-Generated GHG Emissions

Mitigation Measure 4.8-1: Implement Project Features to be Consistent with A Future Qualified Climate Action Plan or Implement All Feasible On-Site Greenhouse Gas Reduction Measures And Purchase Carbon Offsets

- A. The applicant shall implement project design features sufficient to demonstrate that the project would be consistent with the next version of the City's climate action plan, referred to as CAP 2.0. This option can only be followed if the CAP 2.0 meets the criteria listed in Section 15183.5b(1) of the State CEQA Guidelines prior to any project-related demolition or construction activity. This option can also only be followed if the CAP 2.0 is aligned with the statewide GHG reduction target established by SB 32 of 2016 (i.e., 40 percent below 1990 levels by 2030) and any additional post-2030 statewide reduction targets established by the state legislature at the time. The applicant must follow the City's process for demonstrating that a project is consistent with the CAP 2.0.

If CAP 2.0 is not adopted at the time of construction of project facilities, the applicant shall implement Parts B and C of this mitigation measure.

- B. The applicant shall implement all feasible measures to reduce GHG emissions associated with the project, including but not limited to the construction- and operation-related measures listed below. The

applicant may refrain from implementing some of the measures below only if it provides substantial evidence to the City that substantiates why the measure is infeasible for this project. The GHG reductions achieved by the implementation of measures listed in Part B shall be estimated by a qualified third-party selected by the City. All GHG reduction estimates shall be supported by substantial evidence. The effort to quantify the GHG reductions shall be fully funded by the project applicant. Measures should be implemented even if it is reasonable that its implementation would result in a GHG reduction, but a reliable quantification of the reduction cannot be substantiated. The applicant shall incorporate onsite design measures into the project and submit verification to the City prior to issuance of building permits. Many of these measures are identical to, or consistent with, the measures listed in Appendix B of the 2017 Scoping Plan (CARB 2017a: B-7 to B-8).

- a. Construction-related GHG Reduction Measures. Implementation of these measures shall be required in the contract the applicant establishes with its construction contractors and identified in the project improvement and site design plans.
 - i. The applicant shall require its contractors to enforce idling of on- and off-road diesel equipment for no more than 5 minutes while on site. This measure is also required by Mitigation Measure 4.2-1, which addresses emissions of particulate matter.
 - ii. The applicant shall implement waste, disposal, and recycling strategies in accordance with Sections 4.408 and 5.408 of the 2016 California Green Building Standards Code (CALGreen Code), or in accordance with any update to these requirements in future iterations of the CALGreen Code in place at the time of project construction.
 - iii. Project construction shall achieve or exceed the enhanced Tier 2 targets for recycling or reusing construction waste of 75 percent for residential land uses as contained in Sections A4.408 and A5.408 of the CALGreen Code.
 - iv. All diesel-powered, off-road construction equipment shall meet EPA's Tier 4 emissions standards as defined in 40 Code of Federal Regulation (CFR) 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models can be used if a Tier 4 version of the equipment type is not yet produced by manufacturers. This measure can also be achieved by using battery-electric off-road equipment as it becomes available.
 - v. All diesel-powered construction equipment shall be powered only with renewable diesel fuel. The renewable diesel fuel shall meet California's LCFS and be certified by CARB Executive Officer; be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables; contain no fatty acids or functionalized fatty acid esters; and have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines. Suppliers of renewable diesel in the San Francisco Bay Area include Ramos Oil, Propel Fuels, and Western States Oil. The cost of renewable diesel fuel is typically 5 to 6 cents higher per gallon than for conventional diesel fuel. Local governments that have adopted renewable diesel fuel for their diesel vehicle fleets include the City and County of San Francisco, Sacramento County, San Diego County, and Carlsbad (Western States Oil 2018). Moreover, staff at CARB note that some large additional renewable diesel production projects are currently being planned (Wade, pers. comm., 2018).
 - vi. The applicant shall implement a program that incentivizes construction workers to carpool, use public transit, or EVs to commute to and from the project site.
- b. Operational GHG Reduction Measures
 - i. The applicant shall achieve as many residential zero net energy (ZNE) buildings as feasible. Prior to the issuance of building permits the project developer or its designee shall submit a Zero Net

Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the city for review and approval. The ZNE Report shall demonstrate that development within the project area subject to application of the California Energy Code has been designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation, or GHG emissions savings. This measure would differ than the project's commitment zero net electricity because ZNE also concerns on-site consumption of natural gas.

- ii. All buildings shall include rooftop solar photovoltaic systems to supply electricity to the buildings. Alternatively, solar photovoltaic systems can be installed on canopies that also shade parking areas.
 - iii. The applicant shall install rooftop solar water heaters if room is available after installing photovoltaic panels.
 - iv. Any household appliances included in the original sale of the residential units shall be electric and certified Energy Star-certified (including clothes washers, dish washers, fans, and refrigerators, but not including tankless water heaters).
 - v. The applicant shall install programmable thermostat timers in all residential dwelling units that allow users to easily control when the HVAC system will heat or cool a certain space, thereby saving energy.
 - vi. Single-family residential buildings shall include efficiency design features that meet standards established by Tier 2 of CalGreen.
 - vii. All buildings shall be designed to include cool roofs consistent with requirements established by Tier 2 of the CALGreen Code.
 - viii. All buildings shall be designed to comply with requirements for water efficiency and conservation as established in the CALGreen Code.
 - ix. If natural gas service is provided to the project site then natural gas connections must be provided in the backyards of single-family homes. This measure is not required if natural gas connections are not provided to the project site.
 - x. Electrical outlets shall be included on every exterior wall of all buildings. These exterior outlets will enable the use of electric-powered landscape maintenance equipment thereby providing an alternative to using fossil fuel-powered generators.
 - xi. Any outdoor parking lot that is part the public park shall include trees and/or solar canopies designed to provide a minimum 50 percent shading of parking lot surface areas.
 - xii. Provide a minimum of one single-port electric vehicle charging station at each new residential unit that achieves similar or better functionality as a Level 2 charging station (referring to the voltage that the electric vehicle charger uses).
 - xiii. Create safe paths of travel to building and park access points, connecting to existing bicycle and pedestrian facilities.
- C. In addition to the measures listed under Part B, the applicant shall offset GHG emissions to zero by funding activities that directly reduce or sequester GHG emissions or by purchasing and retiring carbon credits.

To the degree that a project relies on GHG mitigation measures, the City of Sunnyvale, BAAQMD, and CARB recommend that lead agencies prioritize on-site design features, such as those listed in Part B of this mitigation measure, and direct investments in GHG reductions within the vicinity of the project site to provide potential air quality and economic co-benefits locally. While emissions of GHGs and their contribution to climate change is a global problem, emissions of air pollutants, which have a localized effect, are often emitted from similar activities that generate GHG emissions (i.e., mobile, energy, and area sources). For example, direct investment in a local building retrofit programs could pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle charging stations, paying for electrification of public school buses, and investing in local urban forests. These investments would not only achieve GHG reductions, but would also directly improve regional and local ambient air quality. However, to adequately mitigate GHG emissions to zero, it is critical that any such investments in actions to reduce GHG emissions meet the criteria of being real, additional, quantifiable, enforceable, validated, and permanent, as stated in CEQA Guidelines Section 15126.4(C)(3). Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issues by a recognized and reputable accredited carbon registry (e.g., Climate Action Reserve).

The CEQA Guidelines recommend several options for mitigating GHG emissions. State CEQA Guidelines Section 15126.4(C)(3) states that measures to mitigate the significant effects of GHG emissions may include “off-site measures, including offsets that are not otherwise required...” Through the purchase of GHG credits through voluntary participation in an approved registry, GHG emissions may be reduced at the project level. GHG reductions must meet the following criteria:

- ▲ Real—represent reductions actually achieved (not based on maximum permit levels),
- ▲ Additional/Surplus—not already planned or required by regulation or policy (i.e., not double counted),
- ▲ Quantifiable—readily accounted for through process information and other reliable data,
- ▲ Enforceable—acquired through legally-binding commitments/agreements,
- ▲ Validated—verified through accurate means by a reliable third party, and
- ▲ Permanent—will remain as GHG reductions in perpetuity.

In partnership with offset providers, the applicant shall purchase credits to offset 966 MTCO_{2e} of the project’s construction-related GHGs prior to the start of construction from a verified program that meets the above criteria. The applicant shall also purchase 675 MTCO_{2e} of the project’s operational-related GHGs from available programs that not only meet the above criteria, but, demonstrate the ability to counterbalance GHG emissions over the lifespan of the project or “in perpetuity.” For example, the purchase of an offset generated by a reforestation or forest preservation program would entail replanting or maintenance of carbon sequestering trees, which would continue to sequester carbon over several years, decades, or even centuries (Forest Trends 2017). The offsets purchased must offer an equivalent GHG reduction benefit annually or more GHGs reduced annually as opposed to a one-time reduction.

Alternatively, if such offset programs are unavailable or infeasible, prior to commencing operation, the applicant shall also purchase credits to offset the project’s operational emissions of 675 MTCO_{2e}/year multiplied by the number of years of operation between commencement of operation and 2050, which is the target year of Executive Order S-3-05. It should be noted, however, that this number is subject to change depending on alterations in the level of on-site mitigation applied to the project depending on the feasibility of individual measures, including those listed in Part B of this mitigation measure. Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed independently, provided such protocols satisfy the basic criterion of “additionality” (i.e. the reductions would not happen without the financial support of purchasing carbon offsets).

Prior to issuing building permits for development within the project, the city shall confirm that the project developer or its designee has fully offset the project's remaining (i.e. post implementation of GHG reduction measures listed in Part B) GHG emissions by relying upon one of the following compliance options, or a combination thereof:

- ▲ demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the project's remaining GHG emissions;
- ▲ provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the project's remaining GHG emissions;
- ▲ undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the project's remaining GHG emissions; or
- ▲ if it is impracticable to fully offset the project's GHG emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the project's remaining GHG Emissions.

Significance After Mitigation

Implementation of Part A of Mitigation Measure 4.8-1 would ensure that the project is consistent with an adopted plan for the purpose of reducing the emissions of GHGs. Alternatively, implementation of both Parts B and C of Mitigation Measure 4.8-1 would ensure that the project would not result in a net increase in GHG emissions and, thus, not conflict with CARB's 2017 Scoping Plan or an established state GHG reduction targets (e.g., SB 32). Thus, the project's contribution to climate change would be reduced to **less than significant**. (DEIR pages 4.8-9 through 4.8-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to the project's contribution to climate change identified in the FEIR.

5.1.4 Findings Regarding Environmental Impacts Not Fully Mitigated to a Level of Less than Significant

The following significant and potentially significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. These significant and unavoidable impacts and associated mitigation measures are listed below and summarized within Chapter 2, "Executive Summary," Table 2-1, Summary of Impacts and Mitigation Measures, of the DEIR and Chapter 3, "Revisions to the DEIR," of the FEIR. Please refer to the DEIR and FEIR for more detail.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 4.3-1: Impacts to Historic Resources

Mitigation Measure 4.3-1a: Document Historic Buildings Before Removal

The project applicant shall complete documentation of the buildings present on the Corn Palace property before any construction/demolition work is conducted at the project site. Documentation shall consist of a written history of the property and photographs, as described below.

- ▲ Written History. The Carey & Co. report, *Historic Resource Evaluation Report, Corn Palace*, shall be used for the written history of each building. The report shall be reproduced on archival bond paper.
- ▲ Photographs. Digital photographs shall be taken of the dwelling units and the Corn Palace following the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Digital Photography Standards.

The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the City of Sunnyvale

Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display

The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic agricultural uses of the site, dating back to at least the 1860s. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural history within the City of Sunnyvale. The exhibit/display shall be displayed in a location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit.

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1b would lessen the impacts related to the loss of the existing dwelling units and the Corn Palace farmstand located on the project site, but not to a level of less than significant because the historic resources would no longer exist. Consequently, mitigation is available to only partially mitigate the impacts of the project on this historic property. Therefore, the impact would remain **significant and unavoidable** after implementation of all feasible mitigation measures. (DEIR pages 4.3-13 and 4.3-14 and FEIR pages 3-1 and 3-4)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that would lessen the significant impact to historic resources identified in the FEIR. Even with implementation of Mitigation Measures 4.3-1a and 4.3-1b above, the impact would remain significant and unavoidable because the historic resources would no longer exist with development of the site. The property as a whole (i.e. existing structures and land) is eligible for CRHR and local listing because it is one of a very few remaining agricultural lands in Sunnyvale and a rare survivor of a family farm from the period when agriculture dominated the local economy. As discussed in the Statement of Overriding Considerations, below, the City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

NOISE AND VIBRATION

Impact 4.9-1: Construction Noise

Mitigation Measure 4.9-1: Implement Construction-Noise Reduction Measures

To minimize noise levels during construction activities, the construction contractors shall comply with the following measures during all construction work that will be identified in project improvement plans:

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
- Where available and feasible, construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to 5 dB over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels.
- Designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.
- Install temporary noise curtains as close as feasible to noise-generating activity and that blocks the direct line of sight between the noise source and the nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.

Significance after Mitigation

Implementation of Mitigation Measure 4.9-1 would provide substantial reductions in levels of construction noise exposure at noise-sensitive receptors by ensuring proper equipment use; locating noise-generating equipment away from sensitive land uses; requiring a temporary solid barrier around the project site and staging area; and requiring the use of enclosures, shields, and noise curtains (noise curtains typically can reduce noise by up to 10 dB). However, construction activities could occur approximately 50 feet from existing residential uses to the south, west, and north of the project site. Although, noise reduction would be achieved with implementation of Mitigation Measure 4.9-1, it is likely that noise levels are likely still exceed 60 L_{eq} at the nearest sensitive receptors during daytime hours. this impact would remain **significant and unavoidable**. (DEIR pages 4.9-11 through 4.9-13)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that would lessen the significant construction noise impact identified in the FEIR. Even with implementation of Mitigation Measure 4.9-1 above, the impact would remain significant and unavoidable because construction noise levels are likely to still exceed 60 L_{eq} at the nearest sensitive receptors during daytime hours. As discussed in the Statement of Overriding Considerations, below, the City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

5.1.5 Findings Related to Cumulative Impacts

The following cumulatively significant and potentially significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse cumulative impacts related to change in the environment. The City hereby elects to approve the project due to overriding considerations as set forth below in Section 7, "Statement of Overriding Considerations."

Please refer to Chapter 6, "Other CEQA Sections," of the DEIR for a comprehensive discussion of cumulative impacts.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 6-4: Cumulative Effect on Historic Resources

Mitigation Measure 4.3-1a: Document Historic Buildings Before Removal

The project applicant shall complete documentation of the buildings present on the Corn Palace property before any construction/demolition work is conducted at the project site. Documentation shall consist of a written history of the property and photographs, as described below.

- ▲ Written History. The Carey & Co. report, *Historic Resource Evaluation Report, Corn Palace*, shall be used for the written history of each building. The report shall be reproduced on archival bond paper.
- ▲ Photographs. Digital photographs shall be taken of the dwelling units and the Corn Palace following the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Digital Photography Standards.

The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the City of Sunnyvale

Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display

The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic agricultural uses of the site, dating back to at least the 1860s. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural history within the City of Sunnyvale. The exhibit/display shall be displayed in a location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit.

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1b would lessen the impacts related to the loss of the existing dwelling units and the Corn Palace farmstand located on the project site, but not to a level of less than significant because the historic resources would no longer exist. Consequently, mitigation is available to only partially mitigate the impacts of the project on this historic property. Because the project would result in the loss of a historic resource within the City of Sunnyvale, the project's incremental contribution to these cumulative effects would be cumulatively considerable; therefore, this would be a **significant and unavoidable cumulative impact**. (DEIR pages 6-9 and 6-10)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that would lessen the significant impact to historic resources identified in the FEIR. Even with implementation of Mitigation Measures 4.3-1a and 4.3-1b above, the impact would remain significant and unavoidable because the historic resources would no longer exist with development of the site. The property as a whole (i.e. existing structures and land) is eligible for CRHR and local listing because it is one of a very few remaining agricultural lands in Sunnyvale and a rare survivor of a family farm from the period when agriculture dominated the local economy. As discussed in the Statement of Overriding Considerations, below, the City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

5.2 MITIGATION MONITORING

A Mitigation Monitoring and Reporting Plan (MMRP) was prepared for the project and approved by the City (see Public Resources Code, Section 21081.6, subd. [a][1]; CEQA Guidelines Section 15097). The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENT EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes which would be involved in a project should it be implemented. The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

The project would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including the following:

- ▲ construction materials, including such resources as soil, rocks, wood, concrete, glass, roof shingles, and steel;
- ▲ land area committed to new project facilities;
- ▲ water supply for project operation; and
- ▲ energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for project construction and operation.

The use of these nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources (see DEIR Section 4.5, "Energy," for a further discussion of the project's energy use). Long-term project operation would not result in substantial long-term consumption of energy and natural resources. (DEIR page 6-19)

5.4 GROWTH INDUCEMENT

As described in DEIR Section 1.4, "Population and Housing," it is anticipated that approximately 166 new residents would occupy the onsite residences. This development and population were assumed and planned for under the General Plan LUTE. (DEIR page 6-18 and 6-19)

DIRECT GROWTH-INDUCING IMPACTS ASSOCIATED WITH REMOVAL OF BARRIERS TO POPULATION GROWTH

The project consists of an infill site that is surrounded on all sides with urban development. Implementation of the project would not remove barriers to population growth because the project is consistent with existing land use designations and planned growth described in the LSAP and General Plan LUTE. The project would eliminate an obstacle to growth through the extension and provision of utilities and services for residential uses on a site that was previously used for agricultural uses and three homes, including extension of water service and pipelines, wastewater collection systems, storm drainage pipelines, and roadways.

As described in Section 1.3.1, “Effects Found Not to be Significant”, the LSAP DEIR concluded that development within the LSAP area, including the project site, would not require new water or wastewater treatment infrastructure, new or expanded water or wastewater entitlements to serve development under the LSAP, or result in wastewater that would exceed treatment requirements of the Regional Water Quality Control Board (City of Sunnyvale 2016b). The City finds that the project would directly connect to existing utility infrastructure (water, wastewater, natural gas, and electricity) and would not facilitate additional development through expansion of regional facilities (e.g., water treatment plants, wastewater treatment plants, electrical substations) beyond that which was planned for within the LSAP. (DEIR pages 6-18 and 6-19)

OTHER EMPLOYMENT GROWTH AND OTHER ECONOMIC-RELATED GROWTH IMPACTS

Vacancy rates are an indicator of housing supply and demand. Low vacancy rates influence greater upward price pressures and higher vacancy rates indicate downward price pressures. A five to six percent vacancy rate is generally considered healthy. Approximately 4.5 percent of City of Sunnyvale housing units were vacant as of January 1, 2018 estimates (California Department of Finance 2018). Thus, the City is currently considered to have a high demand for housing

The project is a residential development adjacent to existing residential development and transportation hubs. The project is consistent with the project site’s existing land use designation and zoning. Homebuyers associated with the project are anticipated to originate from areas within the City or adjacent City of Santa Clara, because there is substantial demand for housing in the City and County (i.e., vacancy rates are considered low). Job growth projections and perceived demands are based on assumptions related to increased population growth. Thus, because the project would increase housing and population levels within the City, similar to that anticipated in the General Plan LUTE and LSAP, the project would not facilitate the need for new employment, as well as goods and services (e.g., restaurants, grocery, gas stations). Facilitation of new employment, goods, and services would result in increased economic growth within the City and would be considered an indirect growth-inducing effect. Potential secondary effects of growth could include environmental consequences, such as conversion of open space to developed uses, increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air and water quality, or degradation or loss of plant and wildlife habitat. The environmental impacts of growth have been addressed by the City in the LSAP EIR and the LUTE EIR. (DEIR page 6-19)

6 PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading “Findings Required under CEQA,” an alternative may be “infeasible” if it fails to achieve the lead agency’s underlying goals and objectives with respect to the project. Thus, “feasibility”

under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 401, 417).

6.1 ALTERNATIVES CONSIDERED BUT ULTIMATELY REJECTED

6.1.1 Off-Site Alternative

The possibility of an off-site location was considered as an alternative to the project; however, objectives of the project include creating a residential community with single-family detached homes for sale in an area with low new home availability and providing housing in proximity to major regional transit and several large private tech employers. The project site is the last vacant parcel in the City that is zoned for single-family development in close proximity to major regional transit (Lawrence Station for Caltrain). It is also noted that the project site is surrounded by existing residential development, utility connections, and roadway access. For these reasons, the Off-Site Alternative was dismissed from detailed evaluation. (DEIR page 5-4)

6.2 ALTERNATIVES CONSIDERED IN THE EIR

The following alternatives to the project are evaluated in detail, in the EIR (refer to Chapter 5 of the DEIR) as described below:

- ▲ Alternative 1: No Project - No Development
- ▲ Alternative 2: No Project – NO General Plan Buildout
- ▲ Alternative 3: Retain Farmstand

6.2.1 Alternative 1: No Project - No Development

CEQA requires consideration of the No Project Alternative, which addresses the impacts associated with not moving forward with the project. The purpose of analyzing the No Project Alternative is to allow decision-makers to compare the impacts of the project versus no project. CEQA indicates that in certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” (State CEQA Guidelines Section 15126[e][3][B]). These latter conditions were evaluated under Alternative 2: No Project, General Plan Buildout.

Although preservation of the existing undeveloped site condition is considered less likely than future development of the project site, examination of the comparative environmental impacts between the project and Alternative 1: No Project, No Development (Alternative 1) is useful. Whereas the DEIR focuses on the direct, indirect, and cumulative impacts of the project, the analysis of the No Project, No Development Alternative considers the effects of leaving the project site in its current condition. In general, the project site consists primarily of vacant land with three residences, a vacant farm stand, and several other structures.

The No Project Alternative would not meet any of the project objectives. However, it would result in reduction of impacts in all resource areas when compared to the project. (DEIR pages 5-4 and 5-6)

6.2.2 Alternative 2: No Project, General Plan Buildout

The project site is designated as Low-Medium Density Residential in the City of Sunnyvale General Plan LUTE and the LSAP. The project site has been designated as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5-PD) under the City's Zoning Ordinance. The project site is surrounded by existing residential development and roadways. The project is consistent with the current land use designation and zoning. Therefore, it is reasonable to expect that if the project were not approved, the project site would be developed as residential development consistent with the land use and zoning designations. Therefore, it is assumed that the Alternative 2: No Project, General Plan Buildout would result in similar development of the project site. The proposed park is also assumed as part meeting LSAP policies related to parks and open space for the project site (LSAP Policy OSP-1 and Chapter 6 Urban Design – Southern Residential Subarea, 2016).

Alternative 2 would result in similar significant environmental impacts identified for the proposed project in Sections 4.1 through 4.9 of this DEIR because the extent of site development would be the same as the project. (DEIR page 5-6)

6.2.3 Alternative 3: Retain Farm Stand with Reduced Density

Alternative 3 would retain the Corn Palace Farm Stand structure associated parking area located in the southeast corner of the project site and incorporated into the design of the project proposed public park. Retention of the Corn Palace Farm Stand would provide further mitigation associated with the loss of historical resources of the project site given its visual prominence and association to the historic use of the project site. The proposed park would be expanded by approximately 0.2-acre (DEIR Exhibit 5-1). Under the project as proposed, there are two residences proposed for this area; therefore, Alternative 3 would result in construction of 56 single-family residences instead of 58. All other components of Alternative 3 would be the same as the project.

Alternative 3 would result in a reduction of impacts in the following resource areas. However, the impact conclusions would not change from those identified for the project.

- ▲ Historic resources
- ▲ Energy
- ▲ Transportation and circulation
- ▲ Greenhouse gas emissions and climate change (DEIR pages 5-6 through 5-8)

6.2.4 Findings Regarding Alternatives

Alternative 1 would not meet any of the project objectives. Although the analysis completed through the CEQA process revealed that the No Project-No Development Alternative is the environmentally superior alternative because all the significant impacts of the project would be avoided, the City finds that it is infeasible because it would not meet any of the project's objectives.

Alternative 2 would meet all of the project objectives and would result in similar significant environmental impacts because the extent of site development would be the same as the proposed project. No environmental benefits over the project would be achieved under this alternative. Therefore, the City finds that Alternative 2 is infeasible.

Alternative 3 could meet most of the project objectives, although potentially not to the same degree as the project. Alternative 3 would result in reduced environmental impacts to historic, energy, transportation and circulation, and greenhouse gases (GHG) would be reduced, when compared to the project. Because Alternative 3 would result in reduced environmental impact than the project as proposed, it would be considered environmentally superior. However, preservation of the Farm Stand would not avoid significant unavoidable impacts for the loss of historic resources (Impact 4.3-1) or construction noise (Impact 4.9-1). The historical evaluation of the site determined that the Farm Stand is of common construction and materials with no notable or special attributes that are architecturally significant. The Farm Stand does not meet the City's objectives and design criteria for use as a park feature, community building, or historical exhibit. Furthermore, preserving the Farm Stand would require the City to negotiate an additional land purchase from the project applicant, and to incur ongoing costs for upgrading and maintaining the structure in a manner that would make it suitable for public use. Therefore, the City finds that Alternative 3 is infeasible.

7 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

Based on the record of proceedings, the City finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

- ▲ The proposed Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified that would mitigate the significant and unavoidable adverse effects of the Project.
- ▲ The development of the site with 58 single-family residential dwelling units and a 2-acre public park is consistent with the policies of the City of Sunnyvale's General Plan. The City's Housing Element identifies the Corn Palace site as a vacant and under-utilized site that is appropriate for residential development.

- ▲ The site is zoned residential and is surrounded by residential uses, and has not been cultivated as farmland since 2015.
- ▲ The development will create much needed housing to meet the housing needs of the City and will include below market rate ownership units to meet the City's affordable housing goals. The Project would increase the variety of housing options in the City of Sunnyvale, including for-sale residences of various sizes.
- ▲ The proposed Project concentrates growth in existing urbanized areas as infill development and thereby results in fewer impacts from the construction of new infrastructure. The provision of infill housing is needed by the City and is anticipated under the Land Use and Transportation Element and the Lawrence Station Area Plan.
- ▲ The Project will add housing along transportation corridors and near transit nodes. The Project will promote greater use of the Lawrence Caltrain Station by placing new housing within a half mile of the station, thereby reducing local and regional Vehicles Miles Traveled (VMT), which translates into air quality and greenhouse gas emissions benefits and increases in resources and energy efficiency, as recognized by California Department of Transportation (Caltrans), Santa Clara Valley Transportation Authority, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).
- ▲ The Project is consistent with key regional planning documents and regulations including Plan Bay Area, which is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), the City-endorsed VTA Community Design and Transportation (CDT) Program Cores, Corridors and Station Areas Framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County, and Senate Bill 375, the Sustainable Communities and Climate Protection Act.
- ▲ The creation of the 2-acre park will preserve open space and increase recreational opportunities for Sunnyvale residents, particularly those in the Lawrence Station Area. The park will encourage walking and biking and will reduce the need for nearby residents to drive elsewhere to enjoy open space and recreation.

The above statements of overriding considerations are consistent with, and substantially advance, the following goals and policies of the City's General Plan:

- ▲ Policy LT-1.7 Emphasize efforts to reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.
- ▲ Policy LT-3.6 Promote modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trip lengths locally and regionally.
- ▲ Policy LT-4.1: Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.
- ▲ Policy LT-4.2: Encourage nodes of interest and activity, public open spaces, well-planned development, mixed-use projects, signature commercial uses, and buildings and other desirable uses, locations, and physical attractions.
- ▲ Policy LT-5.2: Preserve and enhance the character of Sunnyvale's residential neighborhoods by promoting land use patterns and transportation opportunities that support a neighborhood concept as a place to live, work, shop, entertain, and enjoy public services, open space, and community near one's home and without significant travel.

- ▲ 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.
- ▲ Policy CC-3.2 Ensure site design is compatible with the natural and surrounding built environment.
- ▲ Policy HE-1.1 Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.
- ▲ Policy HE-4.2 Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.
- ▲ Policy HE-4.3 Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

Based on the detailed findings made above, the Planning Commission hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the Project, and the Planning Commission hereby concludes that the Project should be approved.

Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

- Policy LT-2.3: Accelerate the planting of large canopy trees to increase tree coverage in Sunnyvale in order to add to the scenic beauty and walkability of the community; provide environmental benefits such as air quality improvements, wildlife habitat, and reduction of heat islands; and enhance the health, safety, and welfare of residents.
 - LT-2.3d: Require tree replacement for any project that results in tree removal, or in cases of constrained space, require payment of an in-lieu fee. Fee revenues shall support urban forestry programs.
- Policy LT-4.1: Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.
- Policy LT-4.2: Encourage nodes of interest and activity, public open spaces, well-planned development, mixed-use projects, signature commercial uses, and buildings and other desirable uses, locations, and physical attractions.
- Policy LT-4.3: Enforce design review guidelines and zoning standards that ensure the mass and scale of new structures are compatible with adjacent structures, and also recognize the City's vision of the future for transition areas such as neighborhood Village Centers and El Camino Real nodes.
 - LT-4.3c: Enforce local design guidelines that ensure buildings and monuments respect the character, scale, and context of the surrounding area.
 - LT-4.3d: Ensure that new construction and renovation contribute to the quality and overall image of the community.
 - LT-4.3e: Use the development review and permitting processes to promote high-quality architecture and site design.
- Policy LT-4.4: Avoid monotony and maintain visual interest in newly developing neighborhoods, and promote appropriate architectural diversity and variety. Encourage appropriate variations in lot sizes, setbacks, orientation of homes, and other site features.
- Policy LT-5.1: Strengthen the image that the community is composed of cohesive residential neighborhoods, each with its own individual character and Village Center; allow change and reinvestment that reinforces positive neighborhood concepts and standards such as walkability, positive architectural character, site design, and proximity to supporting uses.
- Policy LT-5.2: Preserve and enhance the character of Sunnyvale's residential neighborhoods by promoting land use patterns and transportation opportunities

that support a neighborhood concept as a place to live, work, shop, entertain, and enjoy public services, open space, and community near one's home and without significant travel.

- LT-5.2c: In addition to parks, promote small-scale, well-designed, pedestrian-friendly spaces within neighborhoods to establish safe and attractive gathering areas
- Policy LT-5.3: Require new development, renovation, and redevelopment to be compatible and well-integrated with existing residential neighborhoods.
 - LT-5.3a: Utilize adopted City design guidelines to achieve compatible and complementary architecture and scale for new development, renovation, and redevelopment.
 - LT-5.3b: Where an opportunity arises, consider integrating or co-locating a Village Center with a neighborhood park or open space
- Policy LT-6.1: Improve and preserve the character and cohesiveness of existing residential neighborhoods.
 - LT-6.1f: Look for opportunities to reclaim unneeded and underperforming paved areas (public and private) that could be converted to neighborhood-enhancing features such as additional tree coverage, gathering areas, pocket parks, or community gardens.

Community Character Chapter

- Policy CC-1.3: Ensure that new development is compatible with the character of special districts and residential neighborhoods.
- Policy CC-1.4: Support measures which enhance the identify of special districts and residential neighborhoods to create more variety in the physical development.
- Policy CC-1 2.1: Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable, and improve the enjoyment of residential neighborhoods.
- Policy 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.
- Policy CC-3.2: Ensure site design is compatible with the natural and surrounding built environment.

Housing Element

- Policy HE-6.1: Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project develops the farmland with 58 single family homes (9.5 du/ac), dedicates the required park land, and includes associated improvements that are consistent with the General Plan designation for Low-Medium Density (7-14 du/ac max.) and the goals and policies noted above. The project's density is consistent with the R-1.5/PD zoning density that allows up to 10 du/ac.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the project, as conditioned, meets Sunnyvale's development code, is respectful of the existing neighborhood's scale and architectural style. Additionally, the project includes park land for development of a public park that will serve the residential neighborhood.

Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

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

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MARCH 11, 2019**

Planning Application **2017-7451**
Corn Palace – 1142 Dahlia Court

SPECIAL DEVELOPMENT PERMIT:

To construct 58 single-family homes, including requests to deviate from
minimum lot size, lot coverage, setback and maximum FAR
requirements/standards

TENTATIVE MAP:

To subdivide one parcel into 61 lots including 58 single family lots, a private
street, a remainder common lot, and lot for a 2-acre public park.

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 WITH APPROVED PLANNING APPLICATION:

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

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- approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:
The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)
- GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:
The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)
- GC-4. INDEMNITY:
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]
- GC-5. NOTICE OF FEES PROTEST:
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]
- GC-6. ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-7. BMR OWNERSHIP HOUSING COMPLIANCE:

This project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code Chapter 19.67 and the BMR Program Guidelines, both as may be amended. Developer shall enter into a BMR Developer Agreement in a form provided by the City, to be recorded against the property before issuance of building permits or recordation of a final map, whichever occurs first. When dwelling units in the project are made available for sale, the project shall provide 12.5% of the total units in the project for sale as BMR homeownership units. For the subject project, that equals 7.25. Below Market Rate dwelling units for sale and payment of a fractional in-lieu fee of 0.25 units in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines. [SDR][HOUSING]

GC-8. STORMWATER MANAGEMENT PLAN:

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

GC-9. FINAL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a vesting tentative map and recordation of a final map. The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the vesting tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit. Sheets C-1 through C-7 of the Vesting Tentative Map package dated 1/4/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]

GC-10. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the Draft Environmental Impact Report (DEIR). The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PLANNING/PUBLIC WORKS] MITIGATION MEASURE

GC-11. PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

The developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy of the first building, or to the satisfaction of the Department of Public Works.

If the developer desires to phase the off-site improvement construction without completing the entire project frontage improvements associated with the first building occupancy, a construction phasing plan for the off-site improvements shall be submitted for review and approval by the Department of Public Works prior to first building permit issuance. [COA] [PUBLIC WORKS]

GC-12. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C-1 through C-7 of the Vesting Tentative Map package dated 1/4/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-13. OFF-SITE CONSTRUCTION PHASING PLAN:

The developer shall prepare a detailed off-site construction phasing plan for the subject property. The plan shall be subject to review and approval by the Department of Public Works prior to issuance of the encroachment permit. The plan shall have both exhibits and narratives that include, but not limited to, construction truck route, public vehicle access, pedestrian access, construction staging, limits of work and timeline for each of the phases. [COA] [PUBLIC WORKS]

GC-14. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements

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- including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-15. STORMWATER TREATMENT FACILITIES:
The developer shall be responsible for treatment and maintenance of stormwater, stormwater treatment facilities and bulb-outs along Lily Avenue, Toyon Avenue and Dahlia Drive. A maintenance agreement shall be required as determined by the Environmental Services Department. [COA] [ENVIRONMENTAL SERVICES/OFFICE OF CITY ATTORNEY]
- GC-16. FUTURE EXTERIOR MODIFICATIONS/ADDITION TO HOMES:
Future exterior modifications and additions shall require approval from the HOA and be subject to the current permit process and development standards for the R-1.5 zoning standards [COA] [PLANNING]
- GC-17. DEVIATIONS GRANTED:
Deviation to minimum lot size is allowed. [COA] [PLANNING]

PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.
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- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:
The plans shall be revised to address comments from the Planning Commission including the following:
- a) Modify house plans for a lower FAR and increased setbacks; and provide increased architectural articulation/elements for improved architecture subject to Planning Commission approval.
 - b) Modify house plans for lot 58 to ensure project meets the minimum sideyard setbacks (first story and second story) shared with existing neighbor on the north side.
 - c) Modify the site layout plan to allow increased ease of parking in the unassigned parking spaces on the private street adjacent to public park, by reducing the parking by three spaces to allow for a total six in this area where currently nine spaces are proposed.
 - d) Existing Palm tree adjacent to the fruit stand shall be saved and protected during construction. [COA] [PLANNING]
- PS-2. EXTERIOR MATERIALS REVIEW:
Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

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- 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. [COA] [PLANNING]
- PS-4. SANITARY SEWER ANALYSIS:
Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:
- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
 - b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]

MM: THE FOLLOWING CONDITIONS ARE MITIGATION MEASURES FOR CEQA RELATED IMPACTS FROM THE PROJECT AND SHALL BE ADDRESSED BY THE APPLICANT AS NOTED.

- MM-1. MITIGATION MEASURES AND REPORTING PROGRAM (MMRP)
Refer to the MMRP included as Attachment 6 and incorporated by reference into these Conditions of Approval.

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).

- TM-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]
- TM-2. RESPONSE TO CONDITIONS OF APPROVAL:

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- A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- TM-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]
- TM-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]
- TM-5. 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]
- TM-6. ROOF EQUIPMENT:
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- TM-7. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$177,498.00 prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

TM-8. BMR DEVELOPMENT AGREEMENT:

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

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

TM-9. LANDSCAPE PLAN:

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

- a) All frontyard of the 58 single family homes, and common areas to include landscaping include tree plantings on private and public streets.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals alongside and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Deciduous trees shall be provided along the southern exposures for passive solar heating purposes.
- e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.

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- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - h) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
 - i) An 8-foot tall masonry wall to be built on the property line adjacent to Lawrence Expressway along the length of the project site include the portion with the public park. The height of the wall shall be measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]
- TM-10. 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 – all front yards and common area to be maintained by the HOA [COA] [PLANNING]
- TM-11. TREE PROTECTION PLAN:
Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:
- a) An 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) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

TM-12. PRE-APPROVED, WATER EFFICIENT LANDSCAPE PLANS – REAR YARD:

The developer shall submit a minimum of four landscape plans for review and approval by the Community Development Department. These plans will be reviewed through a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping code requirements. These plans shall be made available to the future homeowners.

TM-13. INSTALLATION OF REAR YARD LANDSCAPING ON NON-PRE-APPROVED PLANS :

Future homeowners who choose to install the site landscaping of the rear yards with other than the pre-approved landscape design, shall submit for review and approval of a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping Code requirements. This MPP must be approved prior to installation of the landscaping.

TM-14. 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]

TM-15. 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]

TM-16. 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:

- b) 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.
- c) 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.

- d) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- e) Covered trash, food waste, and compactor enclosures.
- f) 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) Swimming pool water, spa/hot tub, 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]

TM-17. CITY STREET TREES:

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

TM-18. CITY STREET TREES (SUBDIVISION):

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

TM-19. PARKING MANAGEMENT PLAN (RESIDENTIAL):

Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit and to be included in the CC&Rs. The Parking Management Plan shall include the following:

- a) A clear definition of "guest" as proposed by the property manager/homeowner's association and subject to review and approval by the Director of Community Development.
- b) The property manager/homeowner's association may specify that 25% to 75% of unassigned spaces be reserved for guest use..

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- c) Clearly indicate that the property manager/homeowner's association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
 - d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
 - e) Prohibit tenants from parking RV's, trailers, or boats in assigned spaces.
 - f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]
- TM-20. GREEN BUILDING:
The plans submitted for building permits shall demonstrate the project achieves a minimum of 80 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]
- TM-21. CONSTRUCTION MANAGEMENT PLAN:
The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:
- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
 - b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
 - c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
 - e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
 - f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-

related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.

- g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
- h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
- j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING]

TM-22. FINAL MAP:

This project is subject to, and contingent upon recordation of a final map. The submittal, approval and recordation of the final map(s) shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Final map(s) shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding final map. [COA] [PUBLIC WORKS]

TM-23. PARK DEDICATION REQUIREMENTS:

The park dedication requirements of 2 acres shall be satisfied with a combination of 0.725-acre dedicated and 1.275 acres through the Purchase and Sale Agreement and Joint Escrow Instructions between the City of Sunnyvale and Trumark Homes LLC dated February 8, 2019, provided that the land proposed for dedication meets the City standard for park land dedication. Dedication shall occur prior to the issuance of the first building occupancy. Acceptance of the dedication will be by the City at a later date. [COA] [PLANNING/PUBLIC WORKS]

TM-24. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater

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- Management Plan shall include as updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- TM-25. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:
Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects – Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]
- TM-26. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:
To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City using Sunnyvale.wastetracking.com hosted by Green Halo. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- TM-27. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:
A detailed solid waste disposal and recycling design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- TM-28. UNDERGROUND UTILITIES:
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- TM-29. ON-SITE PRIVATE WATER METER(S):
The developer shall install individual private water meters for each residence (lots 13 through 58). [COA] [BUILDING/PUBLIC WORKS]
- TM-30. ON-SITE DRIVEWAY PARKING (LOTS 12 AND 13):
On-site driveway parking for lots 12 and 13 shall be outside of the corner vision triangle and on-site driveway parking shall be in front of a specified visual (pavers or similar) feature as detailed in the Covenants, Conditions and Restrictions (CC&Rs). [PLANNING/PUBLIC WORKS]

TM-31. CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [COA] [PUBLIC WORKS]

TM-32. AGENCY COORDINATION:

The developer shall coordinate with the County of Santa Clara and the Santa Clara Valley Water District and obtain any necessary agreements and permits, including but not limited to maintenance agreement, temporary construction permits and well destruction permits and shall provide copies of agreements and permits to the City. [COA] [PUBLIC WORKS]

TM-33. SANTA CLARA VALLEY WATER DISTRICT:

The developer shall complete the abandonment and destruction of the existing well and appurtenances in accordance with the rules and regulations established by the Santa Clara Valley Water District (SCVWD). Provide evidence that the SCVWD has inspected and signed off on the well destroyed. [COA] [PUBLIC WORKS]

EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.**EP-1 LAWRENCE STATION AREA PLAN (LSAP):**

This project is in the LSAP area, therefore, the developer shall comply with any applicable design requirements as identified in the LSAP or as amended and approved by the City. [COA] [PUBLIC WORKS]

EP-2 BENCHMARKS:

The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23803> Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

EP-3 COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/stripping plans, erosion control plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineering and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C-1 through C-7 of the Vesting Tentative Map package dated

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- 1/4/19 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=24002>
<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23625> [COA] [PUBLIC WORKS]
- EP-4 UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-5 STREETSCAPE IMPROVEMENTS:
Along Lily Avenue and Dahlia Drive widen the street along the project frontage to accommodate a face of curb to face of curb width of 40' and install new 2' concrete gutter, curb, 4' landscape strip and 6' detached sidewalk per current City standards, unless otherwise directed by the Director of Public Works. Install a 32' radius cul-de-sac, per current City standards, to complete a full cul-de-sac at the eastern end of Dahlia Drive.
- Along Toyon Avenue widen the street along the project frontage to accommodate a face of curb to face of curb width of 36' and remove existing asphalt concrete curb and install new 2' concrete gutter, curb, 4' landscape strip and 6' detached sidewalk per City standards, unless otherwise directed by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-6 STREET PAVEMENT:
Install new pavement section per Geotechnical Report recommendations along the widened portions of streets on Lily Avenue, Toyon Avenue and Dahlia Drive. City will provide the traffic index (TI) for all three streets. Apply type II slurry seal the remaining portion of Lily Avenue, Toyon Avenue, Dahlia Drive and White Oaks up to the lip of gutter or as directed by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-7 STREET BULB-OUTS:
Install street bulb-outs along Lily Avenue, Toyon Avenue and Dahlia Drive to accommodate bio-retention areas and curb ramps. [COA] [PUBLIC WORKS]

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- EP-8 **CURB RAMP:**
Install new curb ramps at the following locations: the north side of Lily Avenue at White Oak Lane; the northeast corner of Lily Avenue/Toyon Avenue; the northwest, northeast and southeast corners of Toyon Avenue/Dahlia Drive; and the northwest and northeast corner of Dahlia Drive and Vinemaple Avenue. Curb ramps shall be installed in accordance to the latest City standard details, specifications and Americans with Disabilities Act (ADA) requirements. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. Relocation of storm drain inlets may be necessary. [COA] [PUBLIC WORKS]
- EP-9 **DECORATIVE PAVEMENT:**
All proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [COA] [PUBLIC WORKS]
- EP-10 **POTHOLING OF EXISTING DRY UTILITIES:**
Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing dry utilities. Use pothole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]
- EP-11 **UTILITY CONNECTION:**
This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. Required park utilities shall be installed and stubbed out to the property line during installation of utilities along Lily Avenue and Toyon Avenue or as directed by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-12 **UTILITY CONNECTION TO THE MAIN:**
All sanitary sewer lateral connections to the existing main line for the lots along Toyon Avenue shall be a wye connection in accordance with current City standards. The private sanitary sewer lateral connections to the existing main line along Street A shall be at a sanitary sewer manhole. All storm drain laterals connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon

calcium aluminate cementitious mortar coating of the interior. [SDR]
[PUBLIC WORKS]

EP-13 MODIFICATIONS TO EXISTING PUBLIC UTILITIES:

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

EP-14 EXISTING UTILITY ABANDONMENT/RELOCATION:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes and procedures, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-15 RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by the Department of Public Works. Sheets C-1 through C-7 of the Vesting Tentative Map package dated 1/4/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-16 UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

EP-17 DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to the issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

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- EP-18 **WET UTILITIES:**
All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS]
- EP-19 **DUAL CONNECTION WATER SERVICE SYSTEM:**
Provide two service points of connections for the domestic water, with two separate public radio-read domestic master water meters and two separate reduced pressure backflow preventer (RPBP) in accordance with current City standards for the lots along Street A. For water meter size two (2) inch or larger, provide meter sizing calculations to the Department of Public Works for approve of meter size. Install a cut-in-tee gate valve between the two service hot taps. Backflows shall be the size as the water meters and must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]
- EP-20 **WATER METER:**
Install new public radio-read domestic water meters and laterals at each lot's point of connection to the water main along Toyon Avenue. Install new private water meters and laterals at each lot's point of connection to the private water main along Street A. Sheet C-5 of Preliminary Utility Plan dated 1/4/19 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-21 **IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:**
Install a separate irrigation water service line (separate from the domestic/fire water service line) with a water meter and backflow prevention device. Install and cap at the property line the irrigation water service line for the park.

All landscape and irrigation systems, located in the public park strip areas along Lily Avenue, Toyon Avenue and Dahlia Drive shall be connected to the water system metered to the developer/HOA. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows shall be the same size as the water meters and must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS]
- EP-22 **PUBLIC FIRE HYDRANTS:**
Install new fire hydrant and barrels along the entire project frontage, as determined by the Fire Department, with current City standard

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- Clow-Rich 75. New fire hydrant locations shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-23 PRIVATE FIRE HYDRANTS:
Install two separate points of connection for the looped fire service line with a backflow prevention device for the on-site private fire hydrants. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-24 SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and subject to approval by the Public Works Department as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-25 SANITARY SEWER AND STORM DRAIN MANHOLES:
Install new sanitary sewer and storm drain manholes at the street right-of-way line for the proposed private sanitary sewer and storm drain mains for the lots along Street A. Sheet C-5 of Preliminary Utility Plan dated 9/27/18 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]
- EP-26 SEWER CLEANOUT:
Install new sanitary sewer cleanouts at the street right-of-way line for all proposed sanitary sewer laterals along Toyon Avenue. Sheet C-5 of Preliminary Utility Plan dated 9/27/18 is subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-27 SANITARY SEWER VIDEO:
The contractor shall make a video copy of the interior of the new sanitary sewer lateral installed prior to it is put into service. [COA] [PUBLIC WORKS]
- EP-28 STORM DRAIN DESIGN:
Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full. The new storm drain lateral shall be 12" and the main line shall be minimum 15" diameter in the public right-of-way.
- EP-29 CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:
Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection

system. The developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read “NO DUMPING”. Stencils/badges may be supplied by the Environmental Services Department if needed. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-30 PHOTOMETRIC ANALYSIS:

The developer is required to provide a photometric analysis based upon LED fixtures for Lily Avenue, Toyon Avenue and Dahlia Drive as to determine that the street lighting meets current City’s Roadway Lighting Design Criteria. Roadway, sidewalk and crosswalk illuminance calculations shall be calculated separately from each other.

The roadway and sidewalk illuminance values required to be met for Lily Avenue are:

1. Minimum Maintained Average Illuminance ≥ 0.6 fc
2. Uniformity Ratio (Avg/Min) ≤ 4.0
3. Max/Min ratio ≤ 20

The roadway and sidewalk illuminance values require to be met for Toyon Avenue and Dahlia Drive are:

1. Minimum Maintained Average Illuminance ≥ 0.4 fc
2. Uniformity Ratio (Avg/Min) ≤ 6.0
3. Max/Min ratio ≤ 20

The limits of the photometric analysis shall be the entire project frontage and include all existing streetlights on both sides of Lily Avenue, Toyon Avenue and Dahlia Drive along and adjacent to the project frontage, with streetlights being LED fixtures.

The developer shall upgrade all existing streetlight fixtures along the Lily Avenue, Toyon Avenue and Dahlia Drive project frontage to LED fixtures. All LED fixtures shall be of the same make and model (current approved manufacturer is Philips or approved equal that meet the current City of Sunnyvale LED roadway lighting specifications).

If the photometric analysis shows the need to relocate or install new streetlights, the developer shall also replace all existing streetlight conduits, wires and pull boxes with new ones along Lily Avenue, Toyon Avenue and Dahlia Drive frontages per City’s current standards.

The light lost factor (LLF) to be used is 0.95. The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-Approved™ Products list. Along with the

photometric analysis the developer shall provide cut sheets for proposed fixtures, ies files used to perform analysis, test results from certified dependent lab, and electronic copy of the photometric analysis in AGi32 format. All LED fixtures shall have a 10-year warranty.

Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code. Streetlight fixture pole types along Lily Avenue, Toyon Avenue and Dahlia Drive shall be in accordance with the LSAP requirements, unless otherwise directed by the Director of Public Works.

Developer shall comply with City streetlight design guidelines and plan check submittal requirements as provided by the City upon request.

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance. [COA] [PUBLIC WORKS]

EP-31 SIGNING AND STRIPING PLANS:

Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. Pavement striping/markings shall be in thermoplastic. Establish a stop control at each of the Street A's driveway exit onto Dahlia Drive. [COA] [PUBLIC WORKS]

EP-32 TRAFFIC CONTROL PLAN:

Submit a traffic control plan and temporary traffic control (TTC) checklist with the off-site improvement plans for review and approval. Per the TTC, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

EP-33 DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-34 CITY STREET TREES:

The developer shall install required street trees in proposed tree wells within the public right-of-way along the project frontage as follows: Lily Avenue: Fraxinus Velutina 'Rio Grande' – Velvet Ash; Toyon Avenue: Pistacia Chinenis – Chinese Pistache; Dahlia Drive: Podocarpus Gracilior – Fern Pine. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15-gallon size spaced approximately 35' apart. No street trees are to be planted within 10' of a sanitary sewer lateral. Sheets C-1 through C-7 of the Vesting Tentative Map package dated 9/27/18 are subject to change during plan check process. [SDR] [PUBLIC WORKS]

EP-35 PROTECTION OF EXISTING TREES:

No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to adjusting locations of utility lines. [SDR] [PUBLIC WORKS]

EP-36 ROOT BARRIER:

Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]

EP-37 WALL – LAWRENCE EXPRESSWAY:

This project requires a review and approval letter/permit from the County of Santa Clara for the proposed 8' tall masonry wall and bike access to Lawrence Expressway as this project abuts County of Santa Clara's right-of-way including coordination with the Lawrence Expressway Grade Separation project. [COA] [PUBLIC WORKS]

EP-38 STORMWATER TREATMENT FACILITIES AND MAINTENANCE AGREEMENT:

The developer shall be responsible for treatment and maintenance of stormwater, stormwater treatment facilities and bulb-outs along Lily Avenue, Toyon Avenue and Dahlia Drive. Prior to offsite improvement acceptance, the developer shall execute and record a Maintenance Agreement, for perpetual maintenance of the storm drainage treatment facilities and landscaping by the HOA. [COA] [ENVIRONMENTAL SERVICES/OFFICE OF CITY ATTORNEY]

EP-39 RECORD DRAWINGS:

Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In addition, streetlight record drawings shall be in AutoCAD format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.
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TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:

The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. Sheets C-1 through C-7 of the Vesting Tentative Map package dated 9/27/18 are subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [COA] [PUBLIC WORKS]

TM-3. PUBLIC/PRIVATE STREETS:

All streets, both public and private, shall be shown on the final map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS]

TM-4. EASEMENT DEDICATION:

This project requires a 26'-wide minimum emergency vehicle access easement and public access easement dedications on and over the private roadways.

A 10' public utility easement along the north end of the park next to lot 47 and street easement dedications are required as follows: 31' street dedication (in form of easement) along Lily Avenue; 15' dedication (in form of easement) along Toyon Avenue; 22' street dedication (in form of easement) along Dahlia Drive. [COA] [PUBLIC SAFETY/PUBLIC WORKS]

TM-5. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s), and cross-lot drainage

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- easement(s) necessary for the project shall be delineated on the map or recorded concurrently with the map with a separate instrument. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]
- TM-6. PUBLIC PARK:
The developer shall dedicate land for public park located along the Lily Avenue frontage as a condition of approval of the project and the Purchase and Sale Agreement and Joint Escrow Instructions between the City of Sunnyvale and Trumark Homes LLC dated February 8, 2019. Dedicated park shall follow the City's Standards for Acceptance of Land for Park Purposes and the dedication shall be by separate deed and follow the conditions set forth in the Purchase and Sale Agreement. [COA] [PUBLIC WORKS]
- TM-7. UTILITY COMPANY APPROVAL:
Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA] [PUBLIC WORKS]
- TM-8. COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements and on-site private improvements for the entire project with breakdowns corresponding to each construction phases (in accordance with City approved phasing plan). [COA] [PUBLIC WORKS]
- TM-9. SUBDIVISION IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
The developer shall execute a subdivision improvement agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first. Provide an itemized engineer's estimate for all improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]
- TM-10. PUBLIC WORKS DEVELOPMENT FEES:
The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- TM-11. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):

Any proposed deeds, covenants, conditions, restrictions and by-laws relating to the subdivision are subject to review and approval by the City. The CC&R's shall include the following provisions:

- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- b) The Homeowners Association shall be responsible for maintenance of the parkstrip landscaping, stormwater, stormwater treatment facilities and street bulb-outs along the Lily Avenue, Toyon Avenue and Dahlia Drive frontage and 8' wall fronting Lawrence Expressway in perpetuity
- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Improvement Agreement)
- d) Homeowners for Lots 12 and 13 are prohibited from parking vehicles within the 40-foot corner vision triangle and shall park vehicles in front of a specified visual (paver band or similar) feature as detailed in the CC&Rs.
- e) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- f) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management.

[COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-12. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&Rs) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.

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- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
 - d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #2017-7451 and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
 - e) The CC&Rs shall contain language for Best Management Practices “Agreement to Maintain” pursuant to Sunnyvale Municipal Code 12.60.200.
 - f) The CC&Rs shall contain the following provisions:
 - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
 - ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
 - g) The CC&Rs shall contain the following language:
 - i) “Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.
 - ii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion,

it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.

- iii) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- vi) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- vii) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- viii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-13. HOA CREATION:

The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-14. HOA TRANSFER:

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- At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]
- TM-15. NEW STREET NAMING:
The name of the north-south (private) street shall be in accordance with the official Street Name System (names of trees for streets that run north-south and names of flowers for streets that run east-west), as selected by the Community Development Department. [COA] [PLANNING]
- TM-16. PRIVATE STREET:
The common lot designated as a private street shall be assigned a private street name in accordance with the official Street Name System, as selected by the Community Development Department. [COA] [PLANNING]

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

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. 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. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):
The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development

prior to release if utilities or certificate of occupancy. [COA] [PUBLIC
WORKS/PLANNING/CITY ATTORNEY]

PF-5. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-6. 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 could be installed prior to occupancy of the building. [COA] [PLANNING]

PF-7. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]

PF-8. BMR COMPLETION 60-DAY ADVANCE NOTICE:

The Developer/Owner must provide a written “Notice of Intent to Sell” to the Affordable Housing Manager for each BMR unit(s) to be provided in the development at least sixty (60) days (but no more than ninety (90) days) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the BMR Program Guidelines and updated annually. The developer must also request and pass a site inspection by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-9. NEW PUBLIC EASEMENTS LOCATED ON-SITE:

Any new easements required for public use purpose shall be either shown on the first recorded final map or on a separate recorded

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- Easement Deed deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-10. ON-SITE STRIPING:
All on-site striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]
- PF-11. COMPLETION OF PUBLIC IMPROVEMENTS:
Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

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. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

OR 2.2: Construction equipment must be maintained per manufacturer's specifications.

OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.

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- b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]

DC-4. DUST CONTROL:

At all times, the Bay Area Air Quality Management District's CEQA Guidelines and "Basic Construction Mitigation Measures Recommended for All Proposed Projects", shall be implemented. [COA] [PLANNING]

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

AT-1. RECYCLING AND SOLID WASTE:

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

AT-2. SOLID WASTE RECYCLING MANAGEMENT:

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

AT-3. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:

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

AT-5. PARKING MANAGEMENT:

On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

AT-6. PARKING LOT MAINTENANCE:

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

- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) 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.
- e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

AT-7. OFF-STREET PARKING ON PRIVATE STREET:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-8. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

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

AT-9. RECREATIONAL VEHICLE STORAGE PROHIBITED ON PRIVATE STREET:

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

AT-10. HOA REVIEW AND APPROVAL:

In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-11. HOA RESPONSIBILITIES:

The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]

AT-12. 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-13. 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]



City of Sunnyvale

Memorandum-Errata to DEIR

Date: March 5, 2019

Re: Corn Palace Draft EIR- Corrections to Chapter 2 and 6

After release of the Final Environmental Impact Report (EIR) for the Corn Palace Residential Development Project, some clerical errors were identified in Chapter 2 and Chapter 6 of the Draft EIR (November 2018) for the Corn Palace Residential Development Project. This memo serves to recognize and correct the errors. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline.

The following text has been revised in Section 2.3.2, page 2-2 of the Draft EIR as follows. These changes do not alter the conclusion of the DEIR.

2.1.1 Significant and Unavoidable Environmental Impacts

Detailed mitigation measures have been identified throughout Chapter 4 of this report that are intended to mitigate project effects to the extent feasible. All of these mitigation measures are also identified in Table 2-1 below. After implementation of the proposed mitigation measures, all but 5 significant effects associated with the project would be reduced to a less-than-significant level.

An impact that remains significant after mitigation is considered an unavoidable adverse impact of the project. Implementation of the project would result in the following significant and unavoidable impacts:

- ▲ Archaeological, Historic, And Tribal Cultural Resources: Impact 4.3-1, Impacts to Historic Resources
- ▲ ~~Archaeological, Historic, And Tribal Cultural Resources: Impact 4.3-2, Potential Impacts to Unique Archaeological Resources~~
- ▲ Noise and Vibration: Impact 4.9-1, Construction Noise
- ▲ Archaeological, Historic, And Tribal Cultural Resources Impact 6-4: Cumulative Effect on Historic Resources

▲

The following text has been revised in Table 2-1, page 2-7 of the Draft EIR as follows. These changes do not alter the conclusion of the DEIR.

<p>Impact 4.3-2: Potential Impacts to Unique Archaeological Resources</p> <p>Results of the records search and pedestrian survey did not indicate any known archaeological sites within the project site. However, project-related ground-disturbing activities could result in discovery or damage of yet undiscovered subsurface unique archaeological resources. This would be a potentially significant impact.</p>	PS	<p>Mitigation Measure 4.3-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features</p> <p>In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal cultural resource. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City of Sunnyvale regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal cultural resource, the City of Sunnyvale shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. The City shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.</p>	<u>LTS</u>
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The following text has been revised in Table 2-1, page 2-14 of the Draft EIR as follows. These changes do not alter the conclusion of the DEIR. Please note that the accurate impact conclusions are provided in Chapter 4 of the DEIR.

<p>Impact 4.6-2: Create Potential Human Health Hazards From Exposure to Existing On-Site Hazardous Materials</p> <p>Elevated concentrations of DDT, chlordane, and dieldrin in soil were found above residential screening values in samples recently collected on-site. In addition, historical structures may contain asbestos and lead-based paint and wells and septic tanks. Demolition, grading, and other construction-related activities could disturb these hazardous materials and become detrimental to the health of construction workers and other people who come into contact with contaminated materials. This impact would be potentially significant.</p>	PS	<p>Mitigation Measure 4.6-2: Complete Excavation, Validation Testing, and Case Closure Activities Associated with the FSRWP</p> <p>The project applicant shall direct that all activities listed in the FSRWP are completed by the contractor before the start of construction. These activities include the following and will be noted in the project's improvement plans.</p> <p>Design and pre-field work tasks:</p> <ul style="list-style-type: none"> ▲ pre-sampling surveys; ▲ attainment of necessary permits (e.g., BAAQMD fugitive dust emission and City grading plan); ▲ preparation of a human health risk assessment and site-specific Health and Safety Plan to be approved by DEH; and ▲ pre-fieldwork activities, such as securing site access, delineation of exclusion zones, and placement of temporary construction fences. <p>Remedial actions consist of:</p> <ul style="list-style-type: none"> ▲ excavation of contaminated soils, ▲ soil grading to backfill excavation areas to match surrounding, ▲ confirmation sampling to ensure that contaminant levels meet SFRWQCB requirements, and ▲ completion of closure procedures through DEH approval process. <p>During the excavation activities discussed in the FSRWP, a field engineer or geologist under the supervision of a California Professional Geologist or Engineer will document field observations. The field notes will contain pertinent observations about excavation dimensions, equipment operation, unusual conditions encountered during excavation, date and time of arrival, general site conditions, and other field observations relating to the project site. Field documentation will also include photographs, written logs, information about site meetings, health and safety training, and chain-of-custody records.</p> <p>Following attainment of Remedial Action Objectives, as validated by soil sampling and testing, a closure request report will be developed and submitted to DEH. The report will include any changes to the proposed design and will provide the results of the validation testing along with a request for</p>	LTS
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		unrestricted site case closure. Construction of the project will not begin until case closure has been granted by DEH.	
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The following text has been revised in Table 2-1, page 2-24 of the Draft EIR as follows. These changes do not alter the conclusion of the DEIR. Please note that the accurate impact conclusions are provided in Chapter 4 of the DEIR.

<p>Impact 4.9-1: Construction Noise Construction activity would be limited Monday through Friday, during daytime hours and occur during less noise-sensitive daytime hours. Short-term construction-generated noise levels associated with the project could expose nearby noise-sensitive receptors to a substantial temporary increase in noise levels at the surrounding noise-sensitive receptors. This impact would be significant.</p>	S	<p>Mitigation Measure 4.9-1: Implement Construction-Noise Reduction Measures</p> <p>To minimize noise levels during construction activities, the construction contractors shall comply with the following measures during all construction work that will be identified in project improvement plans:</p> <ul style="list-style-type: none"> ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. ▲ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors). ▲ Where available and feasible, construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to 5 dB over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. ▲ Designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem. ▲ Install temporary noise curtains as close as feasible to noise-generating activity and that blocks the direct line of sight between the noise source and the nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot. 	<u>SU</u>
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The following text has been revised in Section 6.2, page 6-16 of the Draft EIR as follows. These changes do not alter the conclusion of the DEIR. Please note that the accurate impact conclusions are provided in Chapter 4 of the DEIR.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 4.3-1: Impacts to historic resources

~~Impact 4.3-2: Potential Impacts to Unique Archaeological Resources~~

CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

CEQA and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the project because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measure have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the project.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation. The MMRP may be modified by the City during project implementation, as necessary, in response to changing conditions or other refinements; however, modifications to a mitigation measure that could reduce its effectiveness in reducing impacts may not occur without CEQA compliance.

The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, individual mitigation measures, monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the Draft EIR are not duplicated in the MMRP table.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent. Section 21081.6 of the Public Resources Code, requires the lead agency to identify the “custodian of documents and other material” which constitutes the “record of proceedings” upon which the action on the project was based. The Sunnyvale City Manager, or designee, is the custodian of such documents for the Corn Palace Residential Development project.

Inquiries should be directed to:

Shétal Divatia, Senior Planner
City of Sunnyvale, Community Development Department/Planning Division
456 West Olive Avenue
Sunnyvale, CA 94086
sdivatia@sunnyvale.ca.gov

The location of this information is:

City of Sunnyvale, Community Development Department/Planning Division
456 West Olive Avenue
Sunnyvale, CA 94086

The EIR has been posted on the City's website: <https://sunnyvale.ca.gov/business/projects/cornpalace.htm>. Hard copies of the EIR are available for review at the City's One-Stop Permit Center at 456 W. Olive Avenue, Sunnyvale CA, 94086 and the Sunnyvale Public Library at 665 West Olive Avenue, Sunnyvale, CA 94086.

The City is responsible for overall administration of the MMRP and for verifying that City staff members and/or the construction contractor has completed the necessary actions for each measure. The City may designate a project manager to oversee implementation of the MMRP. Duties of the project manager include the following:

- ▲ ensure routine inspections of the construction site are conducted by appropriate City staff; check plans, reports, and other documents required by the MMRP; and conduct report activities;
- ▲ serve as a liaison between the City and the contractor or project applicant regarding mitigation monitoring issues;
- ▲ complete forms and maintain reports and other records and documents generated for the MMRP; and
- ▲ coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

The responsible party for implementation of each item will identify the staff members responsible for coordinating with the City on the MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▲ Impact – This column provides the verbatim text of the identified impact.
- ▲ Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure
- ▲ Monitoring Responsibility – This column identifies the party responsible for enforcing compliance with the requirements of the mitigation measure.
- ▲ Timing – This column identifies the time frame in which the mitigation will be implemented.
- ▲ Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
Air Quality			
<p>Mitigation Measure 4.2-1: Implement Construction-Related Measures to Reduce Fugitive Dust Emissions</p> <p>The applicant shall require its construction contractors to implement BAAQMD's Basic Construction Mitigation Measures (BAAQMD 2017b), including but not limited to the following:</p> <ul style="list-style-type: none"> ▲ Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day. ▲ Cover all haul trucks transporting soil, sand, or other loose material off-site. ▲ Remove all visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day (dry power sweeping is prohibited). ▲ Limit all vehicle speeds on unpaved roads to 15 miles per hour. ▲ Pave all roadways, driveways, and sidewalks as soon as possible, and lay building pads as soon as possible after grading (unless seeding or soil binders are used). ▲ Minimize idling times by shutting equipment off when not in use or reducing the maximum idling time to five minutes. The project will provide clear signage for construction workers at access points. ▲ Maintain and properly tune all construction equipment in accordance with manufacturers specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▲ Post a publicly visible sign with the telephone number and person to contact at the Lea Agency regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	City of Sunnyvale	Included in project improvement plans and implemented during construction activities.	
Archeological, Historic, and Tribal Cultural Resources			
<p>Mitigation Measure 4.3-1a: Document Historic Buildings Before Removal</p> <p>The project applicant shall complete documentation of the buildings present on the Corn Palace property before any construction/demolition work is conducted at the project site. Documentation shall consist of a written history of the property and photographs, as described below.</p> <ul style="list-style-type: none"> ▲ Written History. The Carey & Co. report, <i>Historic Resource Evaluation Report, Corn Palace</i>, shall be used for the written history of each building. The report shall be reproduced on archival bond paper. ▲ Photographs. Digital photographs shall be taken of the dwelling units and the Corn Palace following the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Digital Photography Standards. <p>The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the City of Sunnyvale.</p>	City of Sunnyvale	Prior to construction/demolition work.	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display</p> <p>The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic agricultural uses of the site, dating back to at least the 1860's. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural historic within the City of Sunnyvale. The exhibit/display shall be displayed in a location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit</p>	City of Sunnyvale, in consultation local historical organizations and interested parties	Design and installation of interpretive program, exhibit, or display shall be completed before occupation of new residences.	
<p>Mitigation Measure 4.3-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features</p> <p>In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal artifact. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City of Sunnyvale regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the City of Sunnyvale shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. The tribal representative will determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The City shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.</p>	City of Sunnyvale	During construction if resources are discovered. If no resources are discovered, no further mitigation is required.	
Biological Resources			
<p>Mitigation Measure 4.4-1: Congdon's Tarplant Survey and Avoidance</p> <p>Before commencing of any ground disturbance or vegetation removal activities, the project applicant shall implement the following measures to reduce potential impacts to Congdon's tarplant.</p> <ul style="list-style-type: none"> ▲ Before ground disturbance and during the May to November blooming period for Congdon's tarplant, a qualified botanist shall conduct a focused survey for Congdon's tarplant on the project site. This shall include visiting a reference population near the project site to confirm whether the species is blooming or otherwise identifiable in advance of the focused survey. ▲ If Congdon's tarplant is not found, the botanist shall document the findings in a letter report to the City of Sunnyvale and the project applicant and no further mitigation will be required. 	City of Sunnyvale	Before commencing of any ground disturbance or vegetation removal activities.	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<ul style="list-style-type: none"> ▲ If Congdon's tarplant is found and it located outside of the permanent project footprint and can be avoided, the applicant will establish and maintain a protective buffer of sufficient size around the plant to be retained to ensure avoidance. ▲ If individual Congdon's tarplant specimens are found that cannot be avoided during construction, the project applicant shall consult with CDFW to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction. The project applicant shall implement measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include creation of offsite populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. 	City of Sunnyvale in consultation with CDFW	If individual Congdon's tarplant specimens are found that cannot be avoided during construction.	
<p>Mitigation Measure 4.4-2: Protection of Burrowing Owl</p> <p>The applicant shall implement the following conditions before, and during, grading activities:</p> <ul style="list-style-type: none"> ▲ The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on the project site and accessible areas of suitable habitat on the project site. Surveys shall be conducted before the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). ▲ If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to the City of Sunnyvale and CDFW and no further mitigation would be required. ▲ If an active burrow is found during the nonbreeding season (September 1 through January 31), the applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat proximate to the burrows to be destroyed, that provide substitute burrows for displaced owls. ▲ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to prevent burrowing owls from being detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report. ▲ If active burrowing owl nests are found on the project site and are destroyed by project implementation, the project applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and 	City of Sunnyvale, in consultation with CDFW	<p>Conduct surveys before the start of construction activities.</p> <p>If occupied burrows are found during focused surveys, during construction that occurs between September 1 and January 31 burrowing owls shall be evicted from the site. A burrowing owl exclusion plan shall be prepared and submitted to CDFW.</p> <p>If occupied burrows are found during focused surveys, during construction that occurs during the breeding season (February 1 through August 31) no disturbance of buffers shall occur and protective buffers shall be established. If no occupied burrows are</p>	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls adversely affected are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:</p> <ul style="list-style-type: none"> ➤ Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide. ➤ If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity. ➤ If suitable habitat is not available for conservation adjacent or proximate to the project site, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. If mitigation credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW. ➤ If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the project site and if the numbers are maintained over time. Measures of success, as suggested in the 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors. 		present, no further mitigation needed.	
<p>Mitigation Measure 4.4-3: Protection Measures for Nesting Raptors and Other Birds</p> <p>The applicant shall impose the following conditions before, and during, construction:</p> <ul style="list-style-type: none"> ▲ To minimize the potential for loss of nesting raptors and other native, migratory birds, tree removal activities will only occur during the nonbreeding season (September 1-January 31). If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required. ▲ Before removal of any trees or other vegetation, or ground disturbing activities between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for nesting raptors and other birds and will identify active nests within 500 feet of the project site. The surveys will be conducted before the beginning of any construction activities between February 1 and August 31. ▲ Impacts to nesting raptors will be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Activity will not commence within the buffer areas until a qualified biologist has 	City of Sunnyvale, in consultation with CDFW	<p>During construction that occurs between September 1 and January 31 remove trees when no active nests are present.</p> <p>7-14 days prior to ground disturbing or vegetation removal activities that occur between February 1 and August 31 conduct pre-construction surveys.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Typical buffers are 500 feet for raptors, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during construction activities may be required if the activity has potential to adversely affect the nest.</p> <p>▲ Trees will not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.</p>		<p>During construction install appropriate buffers if occupied nests are present. If no occupied nests, no further mitigation needed.</p>	
<p>Mitigation Measure 4.4-4: Tree Protection Requirements</p> <p>The applicant will prepare and submit an arborist report to the director of community development showing the location, size, and species of all trees (protected and unprotected) on the project site. The report must indicate which, if any, protected trees are planned for removal and explain why the trees cannot be relocated or the project design altered to maintain the trees. An application for a protected tree removal permit will also be submitted to the director of community development. Removal of protected trees may be permitted at the discretion of the director.</p> <p>▲ Protected trees designated for preservation shall be protected during project construction using the following methods:</p> <ul style="list-style-type: none"> ➤ Protective fencing shall be installed no closer to the trunk than the dripline, and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of 4 feet in height and shall be set securely in place. The fence shall be made of sturdy but open material (e.g., chain link) to allow visibility to the trunk for inspections and safety. ➤ The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the director of community development. ➤ Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree. ➤ Pruning that is necessary to accommodate a project feature, such as a building, road, or walkway, shall be reviewed and approved by the department of community development and the department of public works. ➤ New landscaping installed within the dripline of an existing tree shall be designed to reproduce a similar environment to that which existed before construction. 	<p>City of Sunnyvale</p>	<p>Within 14 days of initiating ground-disturbance or vegetation removal associated with project construction focused surveys for active nests shall be conducted.</p>	
Hazards and Hazardous Materials			
<p>Mitigation Measure 4.6-2: Complete Excavation, Validation Testing, and Case Closure Activities Associated with the FSRAWP</p> <p>The project applicant shall direct that all activities listed in the FSRAWP are completed by the contractor before the start of construction. These activities include the following and will be noted in the project's improvement plans.</p> <p>Design and pre-field work tasks:</p> <p>▲ pre-sampling surveys;</p>	<p>City of Sunnyvale, in consultation with DEH and SFRWQCB</p>	<p>Construction of the project will not begin until case closure has been granted by DEH.</p>	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<ul style="list-style-type: none"> ▲ attainment of necessary permits (e.g., BAAQMD fugitive dust emission and City grading plan); ▲ preparation of a human health risk assessment and site-specific Health and Safety Plan to be approved by DEH; and ▲ pre-fieldwork activities, such as securing site access, delineation of exclusion zones, and placement of temporary construction fences. <p>Remedial actions consist of:</p> <ul style="list-style-type: none"> ▲ excavation of contaminated soils, ▲ soil grading to backfill excavation areas to match surrounding, ▲ confirmation sampling to ensure that contaminant levels meet SFRWQCB requirements, and ▲ completion of closure procedures through DEH approval process. <p>During the excavation activities discussed in the FSRAWP, a field engineer or geologist under the supervision of a California Professional Geologist or Engineer will document field observations. The field notes will contain pertinent observations about excavation dimensions, equipment operation, unusual conditions encountered during excavation, date and time of arrival, general site conditions, and other field observations relating to the project site. Field documentation will also include photographs, written logs, information about site meetings, health and safety training, and chain-of-custody records.</p> <p>Following attainment of Remedial Action Objectives, as validated by soil sampling and testing, a closure request report will be developed and submitted to DEH. The report will include any changes to the proposed design and will provide the results of the validation testing along with a request for unrestricted site case closure. Construction of the project will not begin until case closure has been granted by DEH.</p>		Field observations shall be recorded during excavation activities.	

Transportation and Circulation

<p>Mitigation Measure 4.7-5: Preparation and Implementation of a Temporary Traffic Control Plan</p> <p>Before the beginning of construction or issuance of building permits, the developer or the construction contractor will prepare a temporary traffic control plan (TTC) to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies.</p> <p>The TTC shall include all information required on the City of Sunnyvale TTC Checklist and conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall include and/or show:</p> <ul style="list-style-type: none"> ▲ provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow; ▲ provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions; ▲ description of proposed work zone; ▲ description of detours and/or lane closures (pedestrians, bicyclists, vehicular); ▲ description of no parking zone or parking restrictions; 	City of Sunnyvale	Prior to the beginning of construction or issuance of building permits. Implemented during construction activities	
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MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<ul style="list-style-type: none"> ▲ provide appropriate tapers and lengths, signs, and spacing; ▲ provide appropriate channelization devices and spacing; ▲ description of buffers; ▲ provide work hours/work days; ▲ dimensions of above elements and requirements per latest CA-MUTCD Part 6 and City of Sunnyvale's SOP for bike lane closures; ▲ provide proposed speed limit changes if applicable; ▲ description of bus stops, signalized and non-signalized intersection impacted by the work; ▲ show plan to address pedestrians, bicycle and ADA requirement throughout the work zone per CA-MUTCD Part 6 and City of Sunnyvale's SOP for Bike lane closures; ▲ indicate if phasing or staging is requested and duration of each; ▲ description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns; ▲ provide all staging areas on the project site; and ▲ ensure that the contractor has obtained and read the City of Sunnyvale's TTC Guidelines and City of Sunnyvale's SOP for bike lane closures; ▲ ensure traffic impacts are localized and temporary. 			
Greenhouse Gas Emissions			
<p>Mitigation Measure 4.8-1: Implement Project Features to be Consistent with A Future Qualified Climate Action Plan or Implement All Feasible On-Site Greenhouse Gas Reduction Measures And Purchase Carbon Offsets</p> <p>A. The applicant shall implement project design features sufficient to demonstrate that the project would be consistent with the next version of the City's climate action plan, referred to as CAP 2.0. This option can only be followed if the CAP 2.0 meets the criteria listed in Section 15183.5b(1) of the State CEQA Guidelines prior to any project-related demolition or construction activity. This option can also only be followed if the CAP 2.0 is aligned with the statewide GHG reduction target established by SB 32 of 2016 (i.e., 40 percent below 1990 levels by 2030) and any additional post-2030 statewide reduction targets established by the state legislature at the time. The applicant must follow the City's process for demonstrating that a project is consistent with the CAP 2.0.</p> <p>If CAP 2.0 is not adopted at the time of construction of project facilities, the applicant shall implement Parts B and C of this mitigation measure.</p> <p>B. The applicant shall implement all feasible measures to reduce GHG emissions associated with the project, including but not limited to the construction- and operation-related measures listed below. The applicant may refrain from implementing some of the measures below only if it provides substantial evidence to the City that substantiates why the measure is infeasible for this project. The GHG reductions achieved by the implementation of measures listed in Part B shall be estimated by a qualified third-party selected by the City. All GHG reduction estimates shall be</p>	City of Sunnyvale	Prior to construction activities.	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>supported by substantial evidence. The effort to quantify the GHG reductions shall be fully funded by the project applicant. Measures should be implemented even if it is reasonable that its implementation would result in a GHG reduction, but a reliable quantification of the reduction cannot be substantiated. The applicant shall incorporate onsite design measures into the project and submit verification to the City prior to issuance of building permits. Many of these measures are identical to, or consistent with, the measures listed in Appendix B of the 2017 Scoping Plan (CARB 2017a: B-7 to B-8).</p> <p>a. Construction-related GHG Reduction Measures. Implementation of these measures shall be required in the contract the applicant establishes with its construction contractors and identified in the project improvement and site design plans.</p> <p>i. The applicant shall require its contractors to enforce idling of on- and off-road diesel equipment for no more than 5 minutes while on site. This measure is also required by Mitigation Measure 4.2-1, which addresses emissions of particulate matter.</p> <p>ii. The applicant shall implement waste, disposal, and recycling strategies in accordance with Sections 4.408 and 5.408 of the 2016 California Green Building Standards Code (CALGreen Code), or in accordance with any update to these requirements in future iterations of the CALGreen Code in place at the time of project construction.</p> <p>iii. Project construction shall achieve or exceed the enhanced Tier 2 targets for recycling or reusing construction waste of 75 percent for residential land uses as contained in Sections A4.408 and A5.408 of the CALGreen Code.</p> <p>iv. All diesel-powered, off-road construction equipment shall meet EPA's Tier 4 emissions standards as defined in 40 Code of Federal Regulation (CFR) 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models can be used if a Tier 4 version of the equipment type is not yet produced by manufacturers. This measure can also be achieved by using battery-electric off-road equipment as it becomes available.</p> <p>v. All diesel-powered construction equipment shall be powered only with renewable diesel fuel. The renewable diesel fuel shall meet California's LCFS and be certified by CARB Executive Officer; be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables; contain no fatty acids or functionalized fatty acid esters; and have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines. Suppliers of renewable diesel in the San Francisco Bay Area include Ramos Oil, Propel Fuels, and Western States Oil. The cost of renewable diesel fuel is typically 5 to 6 cents higher per gallon than for conventional diesel fuel. Local governments that have adopted renewable diesel fuel for their diesel vehicle fleets include the City and County of San Francisco, Sacramento County, San Diego County, and Carlsbad (Western States Oil 2018). Moreover, staff at CARB</p>			

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>note that some large additional renewable diesel production projects are currently being planned (Wade, pers. comm., 2018).</p> <p>vi. The applicant shall implement a program that incentives construction workers to carpool, use public transit, or EVs to commute to and from the project site.</p>			
<p>b. Operational GHG Reduction Measures</p> <p>i. The applicant shall achieve as many residential zero net energy (ZNE) buildings as feasible. Prior to the issuance of building permits the project developer or its designee shall submit a Zero Net Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the city for review and approval. The ZNE Report shall demonstrate that development within the project area subject to application of the California Energy Code has been designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation, or GHG emissions savings. This measure would differ than the project's commitment zero net electricity because ZNE also concerns on-site consumption of natural gas.</p> <p>ii. All buildings shall include rooftop solar photovoltaic systems to supply electricity to the buildings. Alternatively, solar photovoltaic systems can be installed on canopies that also shade parking areas.</p> <p>iii. The applicant shall install rooftop solar water heaters if room is available after installing photovoltaic panels.</p> <p>iv. Any household appliances included in the original sale of the residential units shall be electric and certified Energy Star-certified (including clothes washers, dish washers, fans, and refrigerators, but not including tankless water heaters).</p> <p>v. The applicant shall install programmable thermostat timers in all residential dwelling units that allow users to easily control when the HVAC system will heat or cool a certain space, thereby saving energy.</p> <p>vi. Single-family residential buildings shall include efficiency design features that meet standards established by Tier 2 of CalGreen.</p> <p>vii. All buildings shall be designed to include cool roofs consistent with requirements established by Tier 2 of the CALGreen Code.</p> <p>viii. All buildings shall be designed to comply with requirements for water efficiency and conservation as established in the CALGreen Code.</p> <p>ix. If natural gas service is provided to the project site then natural gas connections must be provided in the backyards of single-family homes. This measure is not required if natural gas connections are not provided to the project site.</p>	City of Sunnyvale	During project operation.	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>x. Electrical outlets shall be included on every exterior wall of all buildings. These exterior outlets will enable the use of electric-powered landscape maintenance equipment thereby providing an alternative to using fossil fuel-powered generators.</p> <p>xi. Any outdoor parking lot that is part the public park shall include trees and/or solar canopies designed to provide a minimum 50 percent shading of parking lot surface areas.</p> <p>xii. Provide a minimum of one single-port electric vehicle charging station at each new residential unit that achieves similar or better functionality as a Level 2 charging station (referring to the voltage that the electric vehicle charger uses).</p> <p>xiii. Create safe paths of travel to building and park access points, connecting to existing bicycle and pedestrian facilities.</p> <p>C. In addition to the measures listed under Part B, the applicant shall offset GHG emissions to zero by funding activities that directly reduce or sequester GHG emissions or by purchasing and retiring carbon credits.</p> <p>To the degree that a project relies on GHG mitigation measures, the City of Sunnyvale, BAAQMD, and CARB recommend that lead agencies prioritize on-site design features, such as those listed in Part B of this mitigation measure, and direct investments in GHG reductions within the vicinity of the project site to provide potential air quality and economic co-benefits locally. While emissions of GHGs and their contribution to climate change is a global problem, emissions of air pollutants, which have a localized effect, are often emitted from similar activities that generate GHG emissions (i.e., mobile, energy, and area sources). For example, direct investment in a local building retrofit programs could pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle charging stations, paying for electrification of public school buses, and investing in local urban forests. These investments would not only achieve GHG reductions, but would also directly improve regional and local ambient air quality. However, to adequately mitigate GHG emissions to zero, it is critical that any such investments in actions to reduce GHG emissions meet the criteria of being real, additional, quantifiable, enforceable, validated, and permanent, as stated in CEQA Guidelines Section 15126.4(C)(3). Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issues by a recognized and reputable accredited carbon registry (e.g., Climate Action Reserve).</p> <p>The CEQA Guidelines recommend several options for mitigating GHG emissions. State CEQA Guidelines Section 15126.4(C)(3) states that measures to mitigate the significant effects of GHG emissions may include “off-site measures, including offsets that are not otherwise required...” Through the purchase of GHG credits through voluntary participation in an approved registry, GHG emissions may be reduced at the project level. GHG reductions must meet the following criteria:</p> <ul style="list-style-type: none"> ▲ Real-represent reductions actually achieved (not based on maximum permit levels), ▲ Additional/Surplus-not already planned or required by regulation or policy (i.e., not double counted), 			

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
<ul style="list-style-type: none"> ▲ Quantifiable-readily accounted for through process information and other reliable data, ▲ Enforceable-acquired through legally-binding commitments/agreements, ▲ Validated-verified through accurate means by a reliable third party, and ▲ Permanent-will remain as GHG reductions in perpetuity. <p>In partnership with offset providers, the applicant shall purchase credits to offset 966 MTCO₂e of the project's construction-related GHGs prior to the start of construction from a verified program that meets the above criteria. The applicant shall also purchase 675 MTCO₂e of the project's operational-related GHGs from available programs that not only meet the above criteria, but, demonstrate the ability to counterbalance GHG emissions over the lifespan of the project or "in perpetuity." For example, the purchase of an offset generated by a reforestation or forest preservation program would entail replanting or maintenance of carbon sequestering trees, which would continue to sequester carbon over several years, decades, or even centuries (Forest Trends 2017). The offsets purchased must offer an equivalent GHG reduction benefit annually or more GHGs reduced annually as opposed to a one-time reduction.</p> <p>Alternatively, if such offset programs are unavailable or infeasible, prior to commencing operation, the applicant shall also purchase credits to offset the project's operational emissions of 675 MTCO₂e/year multiplied by the number of years of operation between commencement of operation and 2050, which is the target year of Executive Order S-3-05. It should be noted, however, that this number is subject to change depending on alterations in the level of on-site mitigation applied to the project depending on the feasibility of individual measures, including those listed in Part B of this mitigation measure. Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed independently, provided such protocols satisfy the basic criterion of "additionality" (i.e. the reductions would not happen without the financial support of purchasing carbon offsets).</p> <p>Prior to issuing building permits for development within the project, the city shall confirm that the project developer or its designee has fully offset the project's remaining (i.e. post implementation of GHG reduction measures listed in Part B) GHG emissions by relying upon one of the following compliance options, or a combination thereof:</p> <ul style="list-style-type: none"> ▲ demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the project's remaining GHG emissions; ▲ provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the project's remaining GHG emissions; ▲ undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the project's remaining GHG emissions; or ▲ if it is impracticable to fully offset the project's GHG emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon 	City of Sunnyvale	Prior to issuing building permits.	

MITIGATION MONITORING AND REPORTING PROGRAM – CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

Mitigation Measure	Monitoring Responsibility	Timing	Verification
credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the project's remaining GHG Emissions.			
Noise and Vibration			
<p>Mitigation Measure 4.9-1: Implement Construction-Noise Reduction Measures</p> <p>To minimize noise levels during construction activities, the construction contractors shall comply with the following measures during all construction work that will be identified in project improvement plans:</p> <ul style="list-style-type: none"> ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. ▲ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors). ▲ Where available and feasible, construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to 5 dB over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. ▲ Designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem. ▲ Install temporary noise curtains as close as feasible to noise-generating activity and that blocks the direct line of sight between the noise source and the nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot. 	City of Sunnyvale	Included in project improvement plans and implemented during construction activities.	

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The Corn Palace - Developer Staff Report

March 11, 2019

Property address: 1142 Dahlia Court, Sunnyvale, California (aka: The Corn Palace)

APN: 213-12-001

General Plan: Residential Low/Med

Zoning: R-1.5/PD

Gross Site Area per Title Report: 8.8 gross acres

Number of home proposed: 58 single-family 2-story homes (sizes 2,600 to 2,900 sq. ft.)

Gross Density: 6.6 homes per gross acre

Gross FAR: 0.48

Toyon, Lily and Dahlia Street improvements: 0.7 acres

Public Park dedication and purchase: 2.0 acres

Net Site Area: 6.1-acres

Net Density: 9.5 home per net acre

Net FAR: 0.71

Trumark is pleased to present a residential development proposal for 58 single-family detached homes on the Corn Palace site. Trumark Homes is a local home builder and land developer based in San Ramon. We have been developing residential communities for over 3 decades throughout the greater Bay Area. In 2018 Trumark won National Master Plan Community of the Year for the 5th year in a row, and we were named Homebuilder of the Year by Professional Builder Magazine. These great honors prove Trumark cares about the quality of home and community we build.

We met with Planning Commission back in October at a Study Session. Following your guidance we have made many changes which we would like to share with you tonight. We have worked extremely hard with Staff to create a distinctive high-quality home design style that pays respect to the historical character of Sunnyvale's architectural fabric and specifically, the Corn Palace site. Just as Commissioner Weiss asked, we have created an essence of the History through our architecture, paying respect to the rich agrarian character and story this site carries. The Heritage Committee echoed this sentiment asking for the park to also portray an agrarian character.

Trumark is very proud of the refinements made based on your direction and input from Staff and the Heritage Committee. We re-imagined the theme as a contemporary agrarian character that will blend the past with the current and future. A timeless design that is simple and authentic. Corn Palace has a legacy in Sunnyvale that needs to be remembered. The future 2-acre park is located exactly where the produce stand sold fresh goods for over 100 years. Every park needs a shade structure, right? That's exactly what the Corn Palace was; a shade-structure that kept the fruit, and shoppers, cool in the summer harvest season. The future park will be shaped by the community just like Seven-Seas Park and look how great that one turned out. Staff and the Heritage Committee have guided us to design our new neighborhood in a distinctive and appropriate theme based on the sites history. We have selected

an Agrarian style with contemporary elements. The details may remind you of orchard homes and their families, but they are built with modern windows, technology, efficiency and functionality for today's families.

Staff asked us to simplify the proposal to make it more coherent. We achieved this by removing 1 of the previous 5 floor plans and focusing on 2 strong elevation styles with 3 color schemes each. This means we have 24 different elevation and color combinations for 58 homes. Essentially only 2 homes across 5 blocks will have the same combination. The attention to detail is both exhaustive and exciting as seen in the conceptual architecture submittal set. The attention to detail including setbacks by design, varied materials, windows, authentic character elements, lighting and colors, work together to create a timeless high-quality neighborhood design aesthetic the blends into it's surroundings.

Let's not forget landscaping. Trumark will design and install character enhancing landscaped front yards at the beginning, and all front yards will be HOA maintained in perpetuity.

Equally important to what the homes look like from the street is who the homes are designed for and how they live. Historically, Sunnyvale and more specifically, the existing Corn Palace neighborhood is one of the greatest places to raise a family. We are proposing 58 single family detached 2-story homes perfect for raising a family. As many of us have found out, raising a family requires a wide variety of home configurations. Raising a family today is not just taking kids to soccer practice. Raising a family today may also involve taking care of aging parents, or accommodating a boomerang kid needing a home after college to save money. Another fast-growing need at home is the ability to accommodate a home office. Homes of the past were not designed with this appropriate flexibility. A modern home is both adaptable, and responsible, meaning Net-Zero by next year.

Trumark has engaged a Green Point consultant to help us make sure that, early in the process, we are targeting a minimum 110 Green Point home based on the 2016 Green Point System. 80 is the minimum requirement. By adding solar to these homes, Trumark would be near 140 green points. We are all waiting to see the 2019 California Building Code so we can prepare for exceeding Net-Zero 2020 State guidelines and achieving a minimum 110 Green Points.

Finally, at Study Session, many of you questioned the proposed density. Based on current General Plan and Zoning, the site allows a maximum of 61 homes. We are already at the top end of the density range. Staff, Trumark and the neighbors mostly agree that maintaining an R-1.5, 2-story family-oriented detached home is most appropriate in this location. The streets and infrastructure was not designed to handle increased capacity. The previous discussions about 101 homes may have been favored by some, but not those living in and maintaining this neighborhood. For example, Toyon and Lily streets are not collector streets. I could see the point for this intensity if the site was allowed access from Lawrence expressway, but otherwise increasing density would choke this neighborhood.

Staff and Trumark believe the current proposal of 58 single-family homes is the appropriate density. This balance provides a diverse modern family-oriented home configuration to meet a wide-variety of modern families. Our 4 floor plans range from 2600 to 2900 square feet of living area allowing a variety of plans from 3 bedroom + office to 5 bedroom configurations – All plans have a bedroom or den on the ground floor, perfect for extended families, or working from home.

2 Deviation requests: FAR and Setbacks

The Trumark Homes Corn Palace proposal is supported by Staff except for 2 deviations to R1.5 standards: FAR and Setbacks. What we heard at our October 2018 Study Session was that the Commission was more concerned with design quality than exactly meeting FAR and Setback guidelines. Chair Rheaume asked for better quality, less tract-like, distinctive designs. Commissioner Howe was Okay with the FAR being relaxed to achieve density. Commissioner Oleusen asked us to pay attention to privacy.

FAR:

Floor Area Ratio is a planning tool often used for retail, commercial and industrial control, but much less often used for residential development control. It is a math calculation not a living calculation that is arguably out of touch with today's housing conditions, which is why most other communities don't use Floor Area Ratio's for housing and are adjusting their standards to allow more house and less lot. FAR is a math equation that doesn't align with how people want to live because a strict FAR requirement mandates that the homebuyer pays a significant portion of their mortgage on their yard, rather than their livable square footage. The high cost of housing in the Bay Area is not primarily a result of construction costs, it's a result of the incredible cost of land. As a result it's important and responsible to consider the major impact to housing affordability when the buyer is forced to dedicate a large part of their housing budget to excessive setbacks and unwanted yard. You don't live in your FAR, you live in your house.

The Corn Palace project presented to you contains 58 homes and a 2-acre park on 8.1 acres of land. The proposed FAR for the 8.1-acre project equals 0.48 FAR which is under the 0.5 FAR maximum. However, Staff is saying the 2-acre park is not a part of the project, therefore, they are not counting it in the FAR calculation. Therefore, according to Staff, the project FAR is 0.69. Trumark's original proposal did not consider a 2-acre park with only 58 homes on the site.

Traditional family oriented housing in Sunnyvale like the homes surrounding the Corn Palace site need particular spaces. We have designed our homes with the first floor of each home having a family gathering room, a kitchen, a place for the family to eat together, a bedroom for elderly parents, which may also be used as a den, a bathroom, a 2-car garage and a 2-car front driveway. The ground floor spaces are also designed to integrate with adequate outdoor living areas supporting outdoor dining and outdoor cooking. In order to meet the 0.5 FAR mandate without including the 2-acres of Corn Palace land for the park in the calculation, we would need to remove roughly 900 square feet from each second floor. 900 square feet is larger than a 4-car garage and leaves us with only enough room for 1 bedroom and 1 bathroom on the second floor. This is not a traditional family-oriented home.

A few years ago, Toll Brothers built homes on the West half of the Corn Palace property ranging from 2900 to 3200 square feet on 6,000 square foot lots. The difference between that phase and Trumark's is the City didn't take 2-acres away from Toll Brothers for a park like has been required of this property. If we had the 2-acres to spread evenly across the 58 proposed lots, we would have similar sized yards and a similar FAR as across the street.

Please consider this point of view: instead of 3,000 square foot homes on 6,000 square foot lots, Trumark is asking 58 future homeowners to collectively amass their excess yard areas into a 2-acre

community benefit to be shared by all in the area. This becomes a win-win for everyone because the 58 new residents don't want the yard in the first place.

1. They don't want to mow their lawns on Saturday. They want to walk over to the maintained park and play catch or throw the Frisbee around with their neighbors, and while at home, they still have a modern integrated indoor/outdoor patio home lifestyle with minimal maintenance.
2. By not having the 20' rear yard and 20' front yard, they save roughly \$500,000 on their mortgage. Equal function for a lower price. Building a home in Sunnyvale costs the same as anywhere else in the greater Bay Area, but the cost of the land is where housing costs escalate in Sunnyvale – the land needed for large front yards, back yards, side yards, and full 2-car driveway aprons is the number one factor driving up housing costs in Sunnyvale.

Please allow the FAR deviation keeping in mind that if Staff included the park acreage in the FAR calculation, no deviation would be necessary. Regardless of the FAR calculation, please acknowledge that the homes and neighborhood are of high quality design and function for families to live indoor and out.

Setbacks:

Staff sent us to visit many existing neighborhoods in Sunnyvale, including the Merritt Terrace and Alberta/Reston Terrace neighborhoods to study acceptable setbacks, and also told us to focus on front setbacks over rear setbacks. All of the neighborhoods studied had varying degrees of allowed and approved variances of sub-standard setbacks. At the direction of Staff, we studied these neighborhoods and have designed something better. As you can see, our homes have outstanding second floor setbacks toward the fronts where viewed from the public realm. We also focused on 2nd floor side setbacks paying attention to privacy issues such as bedroom and bathroom window alignments between homes, giving more setbacks where privacy is needed. First and second floor setbacks also vary to create interest, undulation and openness where needed most. The setbacks proposed are not blazing a new trail in Sunnyvale. Accepting these setbacks is not going out on a limb or setting a new precedent. Accepting the setbacks as designed at Corn Palace also comes with a 2-acre park, which none of the other neighborhoods you sent us to study included.

As mentioned in the FAR discussion, a 20' front yard and 20' rear yard add roughly \$500,000 to a mortgage in Sunnyvale. We are asking these be allowed to be reduced to help lower the cost of home ownership.

To summarize, we are bringing the community a 2-acre park, and 58 distinctive high-quality family-oriented homes. We are asking for reasonable relief from 2 standards that have been thoughtfully addressed. The deviations are NOT trail blazing, they have been allowed in Sunnyvale; they are not setting new precedent; you are not going out on a limb to approve. The deviations are only affecting these new 58 home owners, they are not affecting existing neighbors. The new home buyers will know what they are buying and appreciate more home at a lower cost with a new park down the street instead of yard to maintain.

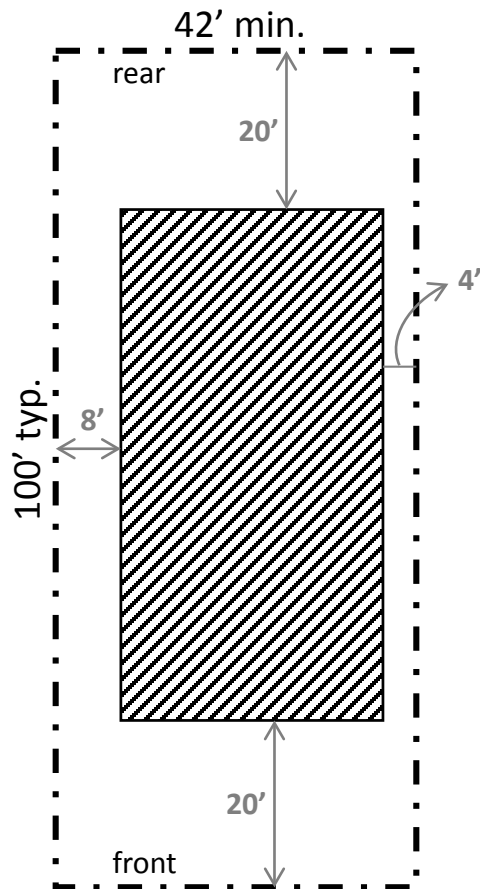
Shetal Divatia

From: brian k
Sent: Saturday, March 02, 2019 11:34 AM
To: Shetal Divatia
Subject: Corn Palace Public Hearing 2017-7451

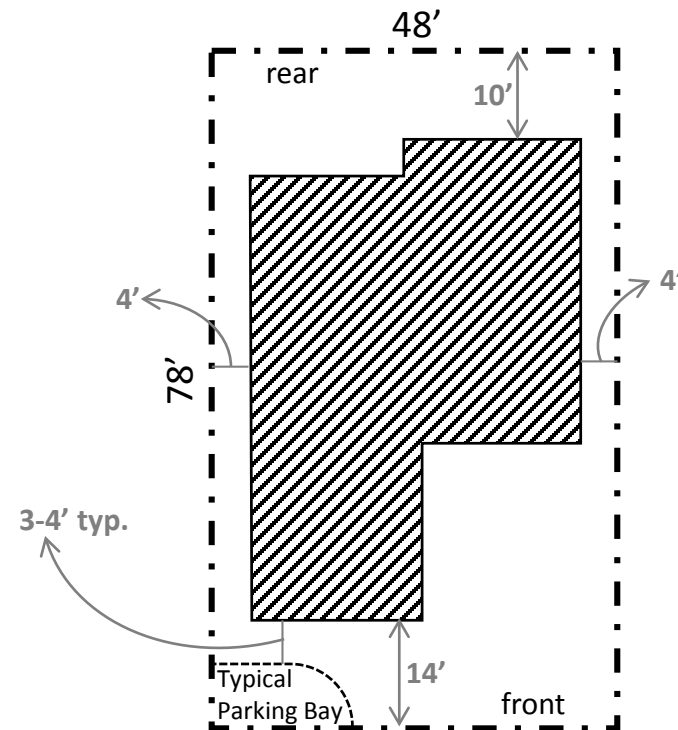
Hi Shetal,

1. We did not receive notices for any other hearings. Final Action may be taken at this hearing. Why weren't we informed of previous hearings?
2. Do or will the Staff Reports include traffic analysis reports? If yes, in what level of detail? If not, who is responsible for assessing impact, threat, risk at Poinciana and White Oak where children traverse on their way to or from school, or from traffic speeding past Lily to escape backup and danger at Poinciana and White Oak? What is the name and contact number for the person responsible for this in Sunnyvale? In Santa Clara?
3. Why isn't the Project Information and environmental documentation available online in this heart of Silicon Valley city in this the 21st Century?
4. Why are Staff Reports available a mere single working day before the hearing?
5. The Staff Report paragraph is ambiguous. Will all reports be available only after 5PM on 3/8/19? Will all reports be available at the url listed at 5pm on 3/8/19?
6. If the reports are not available until 5pm after offices close, what is the purpose of calling about availability after the offices close?
7. If the reports are not available Friday, will the hearing be postponed to allow adequate time to process the reports?
8. Will anyone be present who can address traffic remediation at Poinciana and White Oak since this corner is in Santa Clara?
9. Is it possible to take home copies of the Project Information? Are photographs allowed if not? Is a copy machine available, if not?

-- Brian Keefe

TYPICAL R-1.5/PD

Lot Size: 4,200 s.f.
 Lot Coverage: 40%

TYPICAL - PROPOSED

Lot Size: 3,744 s.f.
 Lot Coverage: 48%



City of Sunnyvale

Agenda Item 3

18-1052

Agenda Date: 3/11/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: APPEAL by the applicant of a decision by the Zoning Administrator to deny:
USE PERMIT to allow modification to a previously approved Use Permit (2012-7479 - Condition of Approval AT-1 and AT-7) to allow extended hours of operation (11:30 AM - 6:30 PM during school days and 8:30 AM-6:30 PM when students are on break) and outdoor play areas for the after-school educational enrichment facility, which with the proposed extended hours of operation would be considered a daycare use.

Location: 1025 The Dalles (APN:320-11-010)

File #: 2018-7519

Zoning: PF (Public Facility)

Applicant / Owner: Sunny Chinese Learning Center (applicant) / St. Luke Lutheran Church of Sunnyvale (owner)

Environmental Review: Class 1 CEQA Exemption (CEQA Guidelines Section 15301, Existing Facilities)

Project Planner: Shétal Divatia (408) 730-7637, sdivatia@sunnyvale.ca.gov

REPORT IN BRIEF

SUMMARY OF ZONING ADMINISTRATOR HEARING ACTION

This Use Permit was considered by the Zoning Administrator on October 10, 2018. A copy of the staff report is provided in Attachment 9 and meeting minutes of the public hearing are in Attachment 10.

The Zoning Administrator considered a request to modify the hours of operation and to permit outdoor play areas for the Sunny Chinese Learning Center. The Sunnyvale Chinese Learning Center is not a licensed child care or day care center; it is a “heritage school” that offers Chinese language instruction and cultural activities to school age children. Heritage schools do not need to be licensed by the state, but must comply with relevant local government regulations (Educ. Code Section 33195.4(f)).

The applicant proposes operating hours from 11:30 AM to 6:30 PM on days that public schools are in session and from 8:30 AM to 6:30 PM when schools are on break.

Several neighbors attended the public hearing and expressed their concerns for expansion of the use including:

- Noise exposure from kids playing in the outdoor play areas.
- Objection to staff’s recommended condition of approval for an 8-foot tall masonry wall because it would impair their views.
- On-going non-compliance issues that have not been remediated successfully.

Based on the administrative record and public testimony, the Zoning Administrator was unable to make the Use Permit findings. The Zoning Administrator determined the expanded use would not be compatible with the immediate residential neighborhood. The incompatibility of the expanded non-conforming use is demonstrated by the fact the applicant is already operating with extended hours, utilizing areas for outdoor play and the negative feedback received by adjacent neighbors.

The original Use Permit for this school was approved in August 2012 at a Zoning Administrator public hearing. The project included installation of two portable classrooms (total of 1,920 s.f. in size) for an after-school Chinese learning program for up to 84 students from K-8. That approval was subject to conditions of approval including restriction on hours of operations and outdoor play areas and the provision of landscape buffer to minimize the impact of this use on the adjoining residential neighbors.

The operator has not operated the facility in compliance with the original use permit approval. The property owner has not acted with adequate oversight to ensure conditions of approval are addressed. As such, a good faith effort by the applicant and property owner has not been established. Approval of the permit would not be in the public interest as required by Sunnyvale Municipal Code 19.88.050 if issuance of the permit will impair the existing uses of adjacent properties.

ENVIRONMENTAL REVIEW

The proposed action is categorically exempt from CEQA pursuant to a Class 1 Exemption from (CEQA Guidelines, Section 15301, Existing Facilities). Staff considers the proposed modifications of the permit to be a negligible expansion of the existing use of the site under CEQA.

APPEAL

On October 26, 2018, the applicant for the Sunny Chinese Learning Center appealed the Zoning Administrator decision to deny a request for an expansion of the hours of operation and outdoor play area for a childcare center. The letter of appeal is included as Attachment 11 and states the "determination was not based on substantial evidence in the record". The applicant also submitted a supplemental letter (Attachment 12) that proposes subsequent changes to the project that would:

- Further restrict the hours of operation and time periods for outdoor play;
- Implement noise monitors to ensure the noise levels do not exceed the City's noise standards;
- Remove the requirement for the 8-foot tall masonry wall; and,
- Remove the landscaped screening (hedge) that was required as part of the original use permit.

STAFF COMMENTS

As indicated in the Zoning Administrator public hearing minutes, the Zoning Administrator's decision was based on the following information provided in the administrative record, including:

Code Enforcement History

A summary of code enforcement activity is found in Attachment 13. Based on the complaint history log, the facility has been cited three times by Neighborhood Preservation for noise complaints and non-compliance with the conditions of approval. The use permit for this center was originally approved in 2012. The first citation was issued in March 11, 2014. At that time the applicant indicated they would apply for an amendment to their use permit to change the hours of operation and expand the outdoor play area. No application was filed. The second citation was issued in April 9, 2015 and resulted in an administrative fine of \$100. The most recent citation was issued in May 31, 2018. An application to amend the hours of operation and expand the outdoor play area was received on July 2, 2018.

Based on the code enforcement history, the applicant has repeatedly violated its conditions of approval. The applicant has not been proactive with addressing the noise complaints and slow to take the necessary action to bring the use into compliance. The non-compliance continues to occur to this date. Staff conducted a site visit in February 2019, and observed that the outdoor play area for the adjacent preschool (Amazing Creations Preschool, on the same church site) has extended their outdoor play area on the west side without a Planning Permit. This would be a separate code violation

on the same property, and is an indication that the property owner is not monitoring its tenants adequately.

In a letter received on March 1, 2018, the applicant argues that the past code violations at the property are not relevant to the required findings in Sunnyvale Municipal Code 19.88.050, which provides:

"The director, planning commission or city council may approve any use permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

"(a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

"(b) Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties."

Applicant argues that if either of the findings (a) or (b) are met, then the Planning Commission must grant the permit. However, the first paragraph of Section 19.88.050 states that the Planning Commission must find that the permit is "desirable in the public interest". A permit may be found "desirable in the public interest" if it either attains the objectives of the General Plan or if it "will not impair either the orderly development of, or the existing uses being made of, adjacent properties." However, even if the permit meets the objectives and purposes of the General Plan, the Planning Commission still has discretion to find that it is not in the public interest because of its impacts on adjacent properties.

Applicant also cites several General Plan policies that refer to child care centers. The proposed use was not originally approved to be a child care or day care center; it is an educational enrichment use that provides language instruction and cultural activities.

Site Context and Design

As depicted in the aerial photo below, the St. Luke's Church campus consists of the main sanctuary building, two auxiliary buildings, and two portable buildings. The central auxiliary building is used by the church for meeting spaces and adult and children's bible studies. The auxiliary building located in the northwest corner is occupied by the Amazing Creation Preschool which utilizes open space on the south side of their building. The Sunny Chinese Learning Center operates in the two portable buildings adjacent to the Amazing Creation preschool. The applicant utilizes the adjacent open space as outdoor play areas on the north side of the campus which is not currently allowed by their use permit. Residential homes on the north and west side are separated from the childcare uses and their outdoor play areas by a parking lot to the north and a driveway on the west. The northwest corner is the most active area of the church campus with the preschool and learning center and their respective outdoor play areas. This area of the church campus is also the closest to residential homes. Based on the site context and history of code enforcement issues, the Zoning Administrator determined the request to legalize the proposed outdoor play areas (areas highlighted in red) would be an intensification and create an incompatibility.

*areas noted in red indicate proposed outdoor play areas

Noise Analysis

The applicant submitted a noise study (Attachment 5) which indicated the anticipated project generated noise levels meet the City's noise standards. Although the noise study did not require any mitigation, staff recommended an 8-foot tall masonry wall due to the previous complaints about noise and the proposed extended hours of operations. The condition for the masonry wall was not acceptable to the neighboring residents because they felt that the location of the wall on the shared property line would impair their views. As such, the Zoning Administrator felt there were no other conditions that staff could impose that would mitigate the noise concerns and/or ensure compatibility.

If the Planning Commission can make the findings and can approve the project, however, staff recommends a condition that the existing 6-foot tall wood fence around the outdoor play area be augmented to improve its function as a noise barrier. This option was not included in the amended project proposal and therefore has not been examined in greater detail. Some of the residents stated their preference would be to have a wall/fence to be located around the perimeter of the play yards instead of a wall between their properties and the church site. The Noise Consultant stated improving the

fence around the play areas would be more effective for noise reduction compared to a masonry wall. He also recommended extending the existing 6-foot fence to 8 feet and consisting of two layers of wood with no cracks between the boards to reduce the noise transmission.



*areas noted in red indicate proposed outdoor play areas

Public Testimony at the Zoning Administrator Hearing (October 2018)

Approximately a dozen neighbors attended the public hearing and staff received comments from four people who live in the immediate neighborhood. Most of the residents in attendance felt their quiet enjoyment of their homes and backyards have been impaired by the noise generated from the outdoor play areas at the site. They do not support the project because there hasn't been long term, effective noise mitigation due to the applicant's failure to comply with the original conditions of approval that are supposed to ensure neighborhood compatibility. The residents felt the expansion of the use would further increase the incompatibility and intensify the site especially because the church facility is also home to other uses including the Amazing Creations Preschool, St. Luke's Youth program, Vacation Bible School and Boy Scouts which sometime overlap each other and make for a busy site. The neighbors also communicated their frustration about non-compliance and unpermitted changes that occur at the site.

Subsequent Changes to the Project proposal by the Applicant

a. Hours of Operation

The applicant had proposed to operate from 11:30 AM to 6:30 Monday through Friday when school is in session and 8:30 AM to 6:30 PM during school holidays and breaks. Based on the suggested changes by the applicant, the time restriction

would be applied to the operating schedule for the regular school session. The hours of operation would be limited to the following:

- 2:25 PM - 6:30 PM on Mondays, Wednesdays and Thursdays
- 1:45 PM - 6:30 PM on Tuesdays,
- 1:00 PM to 6:30 PM on Fridays.
- Additional/modified hours depending on Sunnyvale and Cupertino School District's schools schedules

The applicant is also asking for exceptions to the above hours during the first 6 weeks of the school year in which a maximum of 25 kindergartners will arrive at 11:55 AM Monday through Friday, and on early dismissal days (typically once per month) students will also arrive at 11:55 AM.

In staff's opinion, the proposed changes are very minimal as compared to the expanded hours of operations considered at the Zoning Administrator Hearing. These proposed amended hours are subject to change and exceptions which would make it difficult to monitor for compliance and therefore, enforce.

b. Outdoor Activity

The applicant had proposed four 30-minute outdoor play periods for a total of 2 hours per day. Each 30-minute period will have a maximum of 24 children supervised by at least one teacher (12 kids in each group with 2 groups at a time). Based on the amended operations by the applicant, the outdoor play times would remain the same but limited to 3:30-5:00pm in the fenced area. However, during summer breaks outdoor play will also be allowed between 10:30am-11:30am. The amendment also notes that children will not be allowed to play outdoors after they are picked up by their parents and that their teachers will strictly enforce this requirement. In staff's opinion, this change is considered very minimal and difficult to apply. It does not fully alleviate the noise concerns because the site would still have the same number of children outside twice a day generating noise that affects the surrounding residents. Impact from the proposed increased activity (drop-off and pick-up for camps) will continue to remain.

c. Noise Monitor

The applicant proposes to utilize a noise level monitor in the play areas to ensure that noise levels are within the noise standards. The applicant did not provide additional information on what type of monitor will be used. Staff consulted with Neighborhood Preservation Staff and they have indicated that a noise monitoring device would not be a preferred enforcement tool because of equipment maintenance and calibration issues and would require additional oversight by Neighborhood Preservation Staff. Staff does not consider a noise monitoring device as an appropriate measure to address noise impacts.

d. Removal of the requirement for the Masonry Wall and Landscaped Screening

The applicant would like to remove the requirement for the masonry wall adjacent to the surrounding neighbors because it is not desired by them or the residents. As mentioned in the meeting minutes, the residents did not want the wall on the shared property line because they felt it would impair their view. If they were to build a new wall, they preferred a wood fence to be in character with the neighborhood. Staff supports this request to remove the requirement for a masonry wall but maintain the existing perimeter wood fencing.

e. No planting of hedge/landscaping as required by original Use Permit

The landscape screening was one of the original conditions that has not been satisfied. The edge between the residents and church property could benefit from enhanced landscaping. Additionally, the landscaped buffer is a development standard that is applied for any use in a nonresidential zoning district which abuts a residential zoning district. As such, staff is not supportive of this change considering it is consistent with the City's development standards and there are no site constraints to make it infeasible or difficult to provide.

CONCLUSION

Staff recommendation for the Use Permit considered in October 2018, was to approve the project subject to Conditions of Approval (Attachment 9). Based on the testimony received at the Zoning Administrator public hearing and other factors noted in the meeting minutes (Attachment 10), the Zoning Officer denied the application.

Given the site's ongoing non-compliance history and ongoing code violations (and analysis of the

subsequent project changes as discussed above), staff recommends that the Zoning Administrator's decision be upheld to deny the use permit because the findings could not be made that the use meets Sunnyvale's General Plan goals and policies and adversely affects the neighboring single family residences.

PUBLIC CONTACT

Public contact was made by posting the Planning Commission agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website. Courtesy notices regarding the Council meeting were mailed to property owners and tenants within 300 feet of the project as shown in Attachment 1.

ALTERNATIVES

1. Deny the Appeal and uphold the decision of the Zoning Administrator to deny the Use Permit.
2. Find that the Action is Exempt from CEQA, Make the necessary Use Permit findings (Attachment 3) and grant the Appeal and approve the Use Permit as requested by the applicant subject to the findings in Attachment 9 and Conditions of Approval in Attachment 9.
3. Find that the Action is Exempt from CEQA, Make the necessary Use permit findings (Attachment 3) and grant the Appeal and approve the Use Permit with modifications, as determined by the Planning Commission, subject to modified Findings and modified Conditions of Approval.

STAFF RECOMMENDATION

Alternative 1: Deny the Appeal and uphold the decision of the Zoning Administrator to deny the Use Permit

Prepared by: Shetal Divatia, Senior Planner

Reviewed by: Gerri Caruso, Principal Planner

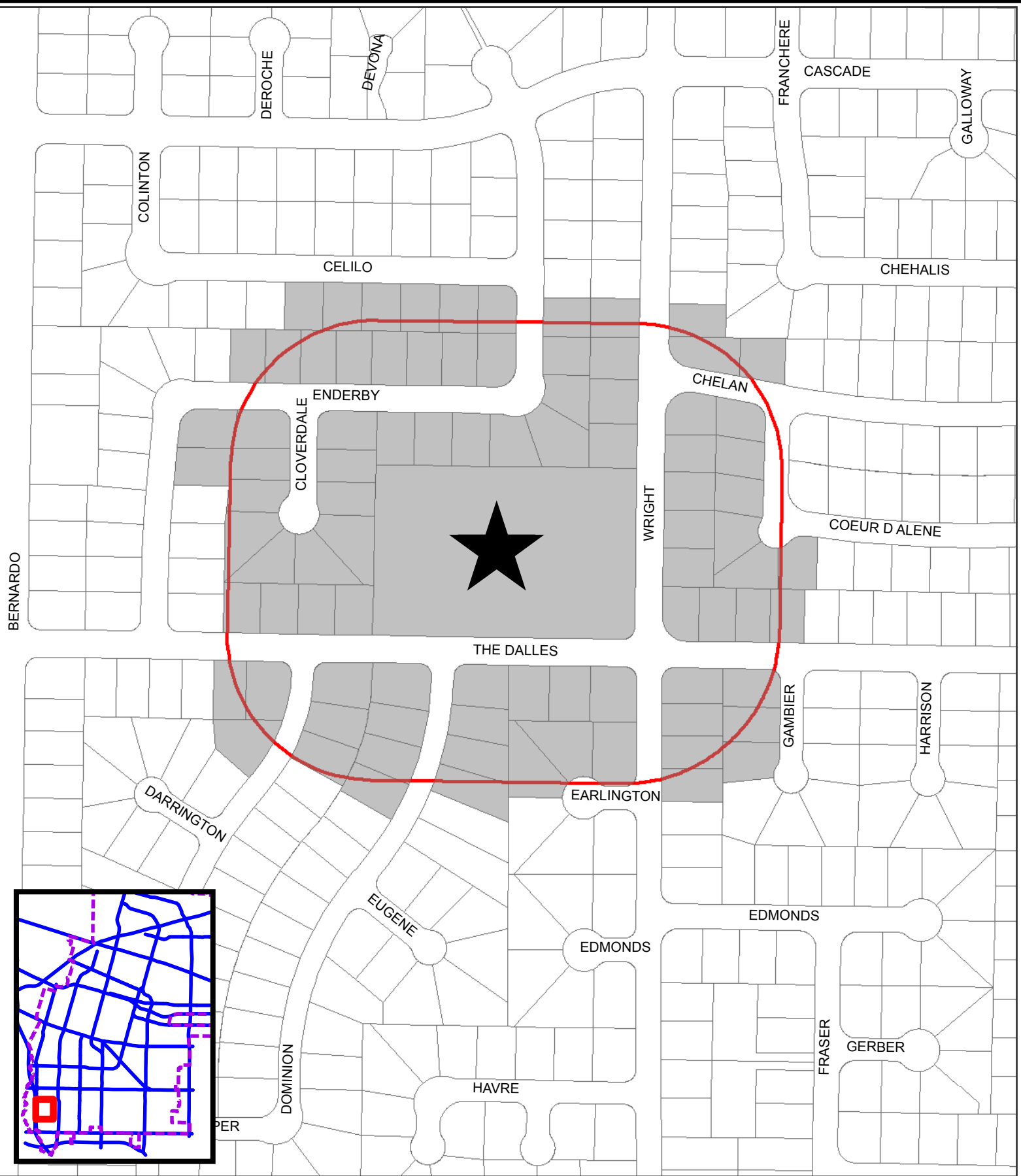
Reviewed by Andrew Miner, Assistant Director, Community Development Department

ATTACHMENTS:

1. Vicinity and Noticing Radius Map
2. Standard Requirements and Recommended Conditions of Approval
3. Previously Approved Use Permit No 2012-7479 (Staff Report and Final Conditions of Approval)
4. Informational on Heritage Schools - California State Department of Education.
5. Noise and Mitigation Study
6. Letter from the Applicant
7. Public Comments Received
8. Site Plan and Photographs

Additional Attachments

9. October 10, 2018, Zoning Administrator Hearing Staff Report
10. October 10, 2018, Zoning Administrator Public Hearing - Meeting Minutes
11. Appeal Letter from Applicant
12. Applicant's Supplemental Letter
13. Code Violation Summary
14. Recommended Findings



2018-7519
 1025 The Dalles (APN: 320-11-010)
 USE PERMIT
 300-ft Area Map

0 115 230 460 Feet



**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
October 10, 2018**

**Planning Application 2018-7519
1025 The Dalles**

USE PERMIT to allow modification to a previously approved Use Permit (2012-7479 - Condition of Approval AT-1 and AT-7) to allow extended hours of operation (11:30 AM - 6:30 PM during school days and 8:30 AM-6:30 PM when students are on break) and outdoor play areas for the after-school educational enrichment facility, which now is considered a daycare use.

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:

<p>GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</p>

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

- GC-2. USE EXPIRATION:
The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)
- GC-3. 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-4. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:
The subject site and business operations shall comply with all previous conditions of approval and requirements of planning permits issued for the site (includes Use Permit #2012-7479). [COA] [PLANNING]
- GC-5. SIGNS:
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [COA] [PLANNING]
- GC-6. PARKING:
The site shall maintain the 158 on-site parking spaces at all times – restripe parking stalls to ensure they are visible and grade the parking lot to address that there is an even parking/driving surface
- GC-7. REQUIRED STATE LICENSE(S):
The center/business shall obtain and maintain all required daycare/childcare/heritage school license from California State Department of Education and be in conformance with their requirements at all times.

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

PS-1. REQUIRED REVISIONS TO PROJECT PROPOSAL/PLANS

- a. The outdoor play area for the daycare center (Sunny Chinese Learning Center) is limited to the 2,875-square foot area enclosed by the existing fence adjacent to the center. Outdoor play shall not occur in other parts of the site outside of the fenced area.
- b. An eight-foot tall masonry wall be installed on the church's north propertyline.

- c. The parking lot shall be re-striped to make the parking stalls visible.
- d. If not currently provided at the site, provide bicycle parking for at least eight bicycles in close vicinity to the daycare.

BP: THE FOLLOWING 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. OBTAIN BUILDING PERMITS:

For all work that is proposed/required for the project that would require a Building Permit. [COA] [PLANNING]

BP-2. LANDSCAPE BUFFER: (USE PERMIT # 2012-7479 CONDITON NOT MET):

Plant shrubs/trees (water conserving species) in North Parking Lot along the propertyline to provide a minimum of six-foot high hedge-like screening along the north property line. [COA] [PLANNING]

PF: THE FOLLOWING 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. PARKING LOT REPAIR AND STRIPING:

Parking lot resurfacing and restriping shall occur as per Sunnyvale's parking standards. (SMC 19.46) [COA] [PLANNING]

PF-2. MASONARY WALL:

Construct an 8-foot tall wall (not a wooden fence) on the north property line of the site. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HOURS OF OPERATION:

The hours of operation for the proposed use are limited to:

- a. Monday to Friday - 11:30 AM - 6:30 PM during school days; and 8:30 AM - 6:30 PM when students are on break from school.
- b. No operations on weekends (Saturday and Sunday) and holidays.

- c. Extended hours, including for temporary events, shall require separate review and approval. [COA] [PLANNING]

AT-2. MAXIMUM NUMBER OF STAFF/STUDENTS:

As previously approved, the Use Permit allows for a maximum of 84 students, and 6 staff members during the operation hours. [COA] [PLANNING]

AT-3. RECYCLING AND SOLID WASTE:

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

AT-4. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-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/shrubs shall be allowed to grow to the full genetic height and habit (trees shall not be topped). All landscaping 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 for Use Permit 2012-7479. [COA] [PLANNING]

AT-7. NOISE:

This use will operate to be in conformance with Sunnyvale's Noise standards as noted in SMC 19.42 at all times. The outdoor play shall occur only within the fenced area for a maximum of two hours/day. Any instructions/activities that has the potential to create noise shall occur indoors. During high noise generating activities such as music and singing, the doors and windows shall be kept closed to minimize noise impact on neighboring properties. [COA] [PLANNING]

AT-8. OUTDOOR PLAY AREAS:

The outdoor play areas for the day care center in the trailers at the church site shall be as follows:

- a. Outdoor play shall be limited to hours between 9 AM and 6 PM.

- b. Outdoor play area is limited to the 2,750 square feet of fenced area.
- c. As proposed, the outdoor play will occur in a maximum of four batches of 30 minute periods each – for a total maximum t of 2 hours per day.
- d. The outdoor play will occur in groups/batches of 12 children maximum.
- e. A maximum of 2 groups/batches of children (24 children total) can play outdoors at any given time.



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

August 15, 2012

File Number: 2012-7479

Permit Type: Use Permit

Location: 1025 The Dalles (near Wright Ave.) (APN: 320-11-010)

Applicant/Owner: Sunny Chinese Learning Center / St Luke Lutheran Church Of Sunnyvale CA

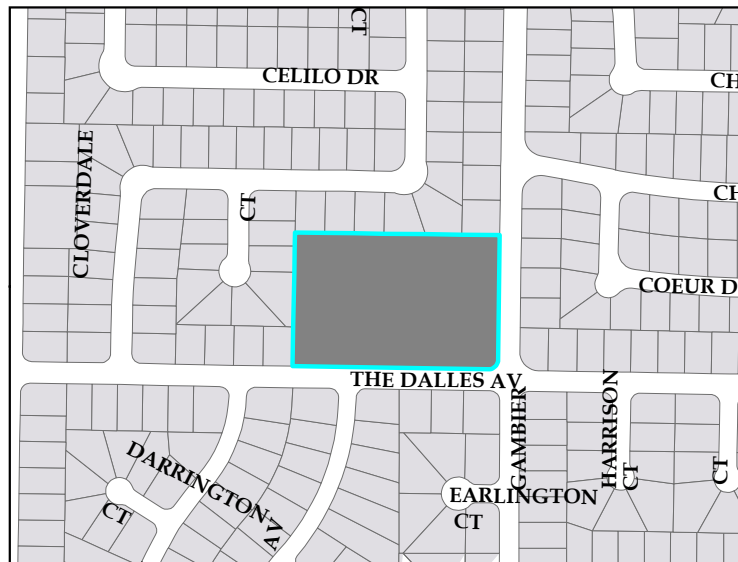
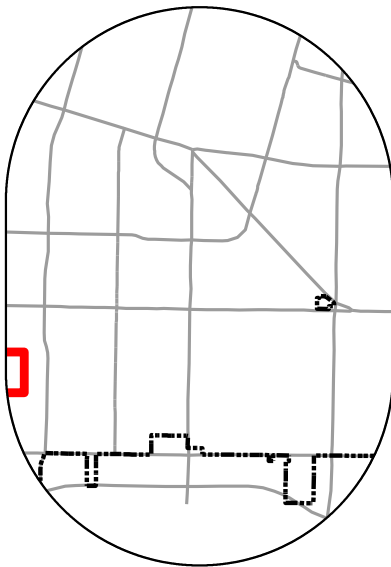
Staff Contact: Shétal Divatia, Associate Planner, (408) 730-7422

Project Description: To allow an after school educational enrichment facility (two new portable classrooms totaling 1,920 sq. ft.) at St. Luke's Church.

Reason for Permit: A Use Permit is required for educational enrichment uses in a PF (Public Facilities) Zoning District.

Issues: Compatibility with adjacent residential uses.

Recommendation: Approve with Conditions



500
Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Density	Same
Zoning District:	PF	Same
Site Area	191,537 s.f.	Same
Total Sq. Ft. on Site:	(E)17,445 + (N)1,920 s.f.	19,365 s.f.
(N) Tenant Sq. Ft.:	1,920(By Use Permit)	19, 365 s.f.
Lot Coverage	9.1%	10.11%
Parking:	158	Same

Previous Planning Projects related to Subject Application – Several Permit applications – listed below are those received in the last 10 years: 2010-7678,,Tree Removal Permit - Approved 2010-7049, Use Permit for Telecom Facility on church tower – Withdrawn 2004-0841, Tree Removal Permit – Denied 2004-0705, Use Permit for installation of 65 foot telecom tower – Denied 2002-0671, Use Permit to construct a wall for columbarium – Approved 2002-0044- MPP for Ground Sign for Pre-school - Approved 1986-0219 – Use Permit to establish Pre-school and office extn. - Approved	Yes
Neighborhood Preservation Complaints – Several complaints have been received and resolved related to overgrown vegetation, storage, banners and signage.	Yes
Deviations from Standard Zoning Requirements	No

Use Description: The applicant notes (Attachment C) that the proposed educational enrichment use (after school Chinese learning center) will serve children a maximum of 84 children ranging K-8 from the neighborhood including the preschoolers at the site. All instruction/activities will occur indoors. Activities noted include homework assistance, Chinese language, arts and crafts, music and movement, Chinese calligraphy, chess, math, English writing and reading, and kung fu classes. The program also includes a snack break and clean-up at the end of the day.

Hours of Operation: The center will operate from 3:30 p.m. to 6:30 p.m. Monday through Friday.

Site and Floor Plan: The proposed new modular building will be located in the northwest portion of the church campus; behind the preschool building (See Attachment B). This portion of the site is currently vacant and undeveloped. The proposed enrichment center will be housed in a new modular building comprising of two class rooms. The building will be served by a ramp and

steps and each of the classrooms includes a restroom. The site will have access from the parking lot on the north side of the campus and will be served by a new sidewalk that will be located by existing shrubbery edging the parking lot.

Exterior Changes: The proposed modular one-story building will match the existing preschool building. The building will have a beige colored exterior walls and composition shingle roof. The building height will be 12' 6" to the top of ridge (See Attachment B).

Parking: The site is served by two parking lots; one along the north property line with access from Wright Avenue (North Parking Lot) and the second parking lot is located south of the church building and has access from The Dalles. The site has a total of 158 parking spaces. Per Sunnyvale Municipal Code (SMC 19. 46.050), the site with the existing uses (church use, a meeting hall, and a preschool) and the proposed educational enrichment center will require a total of 156 parking spaces where 158 are provided. See table below:

Use	Parking Ratio	Required Parking
(E) Church (Saturday and Sunday)	224 fixed seats÷3 + 3,400 s.f. of other area÷400	84
(E) Meeting Hall (Weekdays)	3,488 s.f.÷180	20
(E) Preschool (Weekdays)	72 students÷4 + 7 teachers÷1	25
(N) After school Enrichment Center (Weekdays)	84 students/4 + 6 teachers÷1	27
Existing and New Uses		156 spaces total
Existing Parking on site		158 spaces total

Staff notes that the above uses do not occur at the same time. The church is in use during weekends while the other uses including the proposed use will occur during weekdays. The site is adequately parked even if all the uses were to occur at the same time.

Staff notes that portions of the North Parking Lot that will serve the proposed use are in disrepair (broken curb and potholes in paving) which need to be repaired prior to occupancy of the proposed use (Condition of Approval No. PS-1(a)). The site also lacks bicycle parking; Condition of Approval No. PS-1(b) requires provision of eight bicycle parking be provided in the parking lot or near the proposed structure.

Neighborhood Compatibility: The proposed use is within a church campus which also includes a preschool and a meeting hall. The campus is

surrounded by single family residential uses. The site has adequate parking for existing as well as the proposed use. The proposed one-story modular building is more than 100 feet away from the north and 60 feet away from the west property lines which are shared with adjacent residential single family homes. The proposed use will generate additional trips to the site and the underutilized parking lot. Staff notes that there is minimal landscape screening along the north and west property lines that is shared with single family residential use. Staff recommends additional plantings to provide landscape screening (Condition of Approval No. BP-5). This portion of the site had large trees that were removed and new smaller replacement trees have been planted, which in time will grow, but will not provide adequate screening between the parking lot and the residential neighbors. Staff suggests planting of tall shrubs or smaller trees, which at maturity will provide a tall hedge-like screening.

The proposed indoor use, as conditioned, is expected to have minimal adverse impact on its neighboring residential uses.

Public Contact: Twenty nine notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. Several of the neighbors have inquired about the proposed project. No letters were received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Use Permit the following findings must be made:

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

Staff was able to make the above finding as noted below.

Land Use and Transportation Element

Policy LT 4.14: Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

The proposed use will provide an educational opportunity serving neighborhood residents and onsite preschoolers. The proposed use, as conditioned, is compatible with adjacent residential uses and no negative impacts on surrounding uses are anticipated.

2012-7479 1025 The Dalles

August 15, 2012

Page 5 of 10

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

Staff was able to make the above finding as noted below.

The proposed use is compatible with existing uses on-site and residential uses in the neighborhood. There is adequate on-site parking for the uses on the site. There is no conflict or peak times created, as the various on-site uses have different times and days of the week. The Church is actively used on weekends, the preschool and community hall are used during the hours of 8 a.m. to 6 p.m. on weekdays, and the proposed after-school educational enrichment program will occur from 3:30 p.m. to 7 p.m. during weekdays.

The project, as conditioned, is expected to have no adverse impacts on surrounding properties as the project.

ALTERNATIVES:

1. Approve the Use Permit with recommended Conditions in Attachment A.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1. Approve the Use Permit with recommended Conditions in of Approval located in Attachment A.

Reviewed by:


Shaun Mendrin
Senior Planner

Prepared By: Shétal Divatia, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Letter from the Applicant

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
August 15, 2012**

Planning Application 2012-7479

1025 The Dalles

Use Permit to allow an after school educational enrichment facility (two new portable classrooms totaling 1,920 sq. ft.) at St. Luke's Church.

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 OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. USE

EXPIRATION:

The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. 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-4. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all previous conditions of approval and requirements of planning permits issued for the site. [PLANNING] [COA]

GC-5. SIGNS:

All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]

PS-1. PARKING

- a. Portions of curb and paving in North Parking Lot that is currently in disrepair shall be repaired prior to Occupancy Permit for proposed use.
- b. Bicycle parking for a total of eight bicycles (4 Class 1 and 4 Class 2) shall be provided near the proposed use prior to Occupancy Permit.

BP: THE FOLLOWING 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. 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-4. ROOF EQUIPMENT
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-5. LANDSCAPE BUFFER:
Plant shrubs/trees (water conserving species) in North Parking Lot to provide a minimum of six foot high hedge-like screening along the north and west property lines; include this information on a revised Site Plan. Planting and associated irrigation shall be completed prior to Occupancy Permit for the proposed use.
- BP-6. 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) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.

BP-7. FEES AND BONDS:

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

- a) TRANSPORTATION IMPACT FEE – Prior to issuance of a Building Permit, pay a Transportation Impact Fee for the net new trips resulting from the proposed project. The fee shall be calculated based on net new PM peak hour trips and using the adopted fee schedules at the time of payment (SMC 3.50). (SDR) (PLANNING)

PF: THE FOLLOWING 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 REPAIR AND STRIPING:

All parking lot repair and striping shall be per approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation for the proposed use are limited to 3:30 p.m. to 7:00 p.m. Monday through Friday. Extended hours, including for temporary events, shall require separate review and approval. [COA] [PLANNING]

AT-2. MAXIMUM NUMBER OF STAFF/STUDENTS:

As proposed, the Use Permit allows for a maximum of 84 students, and 6 staff members during the operation hours of 3:30 p.m. to 7 p.m. Monday through Friday. (COA) (PLANNING)

AT-3. RECYCLING AND SOLID WASTE:

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

AT-4. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-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.

SUNNY CHINESE LEARNING CENTER

NEW MODULE BUILDING CONSTRUCTION

1025 THE DALLES AVENUE, SUNNYVALE, CA 94087

LHC

L.H.C. Construction

21000-A Big Basin Way
Saratoga, CA 95070
(408) 567-9331



OWNER:
LUCY LIU
1025 THE DALLES AVENUE
SUNNYVALE, CA 94087
(408) 598-7060

SUNNY CHINESE LEARNING CENTER
NEW MODULE BUILDING
1025 THE DALLES AVENUE
SUNNYVALE, CA 94087

PROVISIONS:

SHEET TITLE:
GENERAL INFORMATION
SITE PLAN

DATE: JAN 22, 2009 PROJECT NO.: 01-000
SCALE: AS SHOWN DRAWN: HC
SHEET

A-0
OF SHEETS

APN: B3-02-11
BUILDING AREA: 1520 sq. FT.
TYPE OF CONSTRUCTION: MODULE HOUSE
OCCUPANCY: B
USE ZONE: R
PROPOSED USE: K-8 AFTER SCHOOL
FIRE SPRINKLER SYSTEM: NO
FIRE ALARM SYSTEM: NO
PARKING: SEE PARKING ANALYSIS
C.B.C.: 2006
C.F.C.: 2006
C.T.C.: 2006
C.E.C.: 2006
CALIFORNIA TITLE 24: 2006

PROGRAM INFORMATION:
AFTER SCHOOL:
CHILDREN AGE: KINDERGARTEN OR ABOVE
MINIMUM AGE: 4 YEARS 9 MONTHS
CLASSROOM: C.B.C. 2006, TABLE 1004.11
EDUCATIONAL - CLASSROOM: 20 NET/60FT
CLASSROOM 1: 832 SF / 20 + 40 CHILDREN
CLASSROOM 2: 832 SF / 20 + 40 CHILDREN
TOTAL CHILDREN: 84
STAFF RATION:
ONE TEACHER / 14 CHILDREN
ONE TEACHER AND 1 AIDE / 20 CHILDREN
CLASSROOM 1: 36 CHILDREN / 14 + 3 TEACHERS
CLASSROOM 2: 36 CHILDREN / 14 + 3 TEACHERS
TOTAL TEACHERS: 6
OCCUPANTS LOAD: 84 + 6 = 90
OUTDOOR SPACE: NOT REQUIRED
PROVIDE: 1510 SF
RESTROOMS:
C.F.C. 2006, TABLE 4-1 (ELEMENTARY)
TOILET: MALE 1 PER 30 / FEMALE 1 PER 25
LAVATORY: MALE 1 PER 30 / FEMALE 1 PER 25
PROVIDE 3 RESTROOM FOR EACH CLASSROOM
PARKING:
1 PER 1 TEACHER, 6 PARKING SPACES
1 PER 1 CLASSROOM, 4 PARKING SPACES
TOTAL PARKING REQUIRED: 10

DRAWING INDEX:
A-0 SITE PLAN, BUILDING DATA
A-1 FLOOR PLAN, ROOF PLAN, PROGRAM DATA
A-2 BUILDING ELEVATIONS

ARCHITECT - DESIGNER:
HAU-CHING LIAO, AIA
13937 LYNDE AVENUE
SARATOGA, CA 95070
TEL: (408) 483-2831

CLIENT:
LUCY LIU
1025 THE DALLES AVENUE
SUNNYVALE, CA 94087
TEL: (408) 598-7060

LOT COVERAGE:	BUILDING AREA (SF)
(B) CHURCH	6400
(B) KURTZ HALL	5488
(B) AMAZING CREATIONS PRESCHOOL	6813
(N) SUNNY CHINESE LEARNING CENTER	1520
(B) CONTAINER	380
(B) STORAGE #1	104
(B) STORAGE #2	156
SITE AREA	191,537
LOT COVERAGE	1A.1.1.2

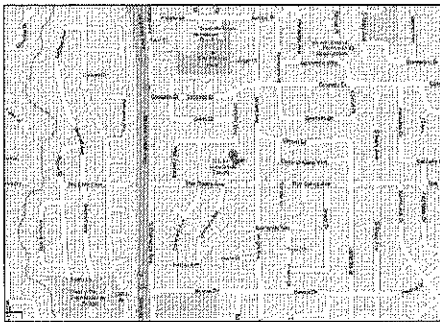
BUILDING DATA NTS 3 PROGRAM DATA NTS 2

PARKING ANALYSIS	FACTORS	PARKING CALCULATION	PARKING REQUIRED
(B) CHURCH	FIXED SEAT: 124	124/9-74.7	83
(B) KURTZ HALL	AREA: 5488 SF	5488/1006-6.5	5
(B) AMAZING CREATIONS PRESCHOOL	TEACHER: 72	72/14-5.1	15
(N) SUNNY CHINESE LEARNING CENTER	K-8 CLASSROOM: 2	20346	12
	TEACHERS: 6	60146	115
		REQUIRED PARKING PROVIDED: 150	
		(B) ADA PARKING: 7	

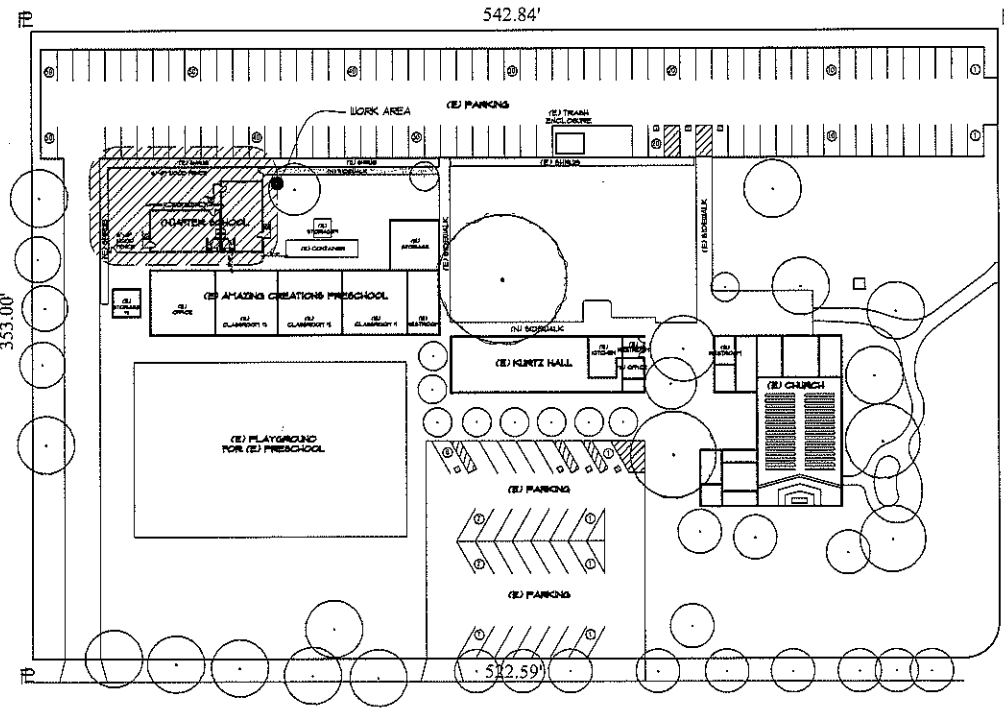
PROJECT DESCRIPTION

PROVIDE A K-8 AFTER SCHOOL
2 WOODS HOME BUILDING
1 CLASSROOMS, OUTDOOR SPACE
FOR RESTROOM
ACCESSIBLE STAIRS AND RAMP
EXISTING WATER METER
WINDOW TYPE HINGE

BUILDING DATA NTS 5 PROJECT DESCRIPTION NTS 4



VICINITY MAP NTS 6



SITE PLAN

Page 1 of 3

1/32" 1

A New After-School Program Plan for Students of K-66
12:00-6:30pm, Monday-Friday

Curriculum & Subject

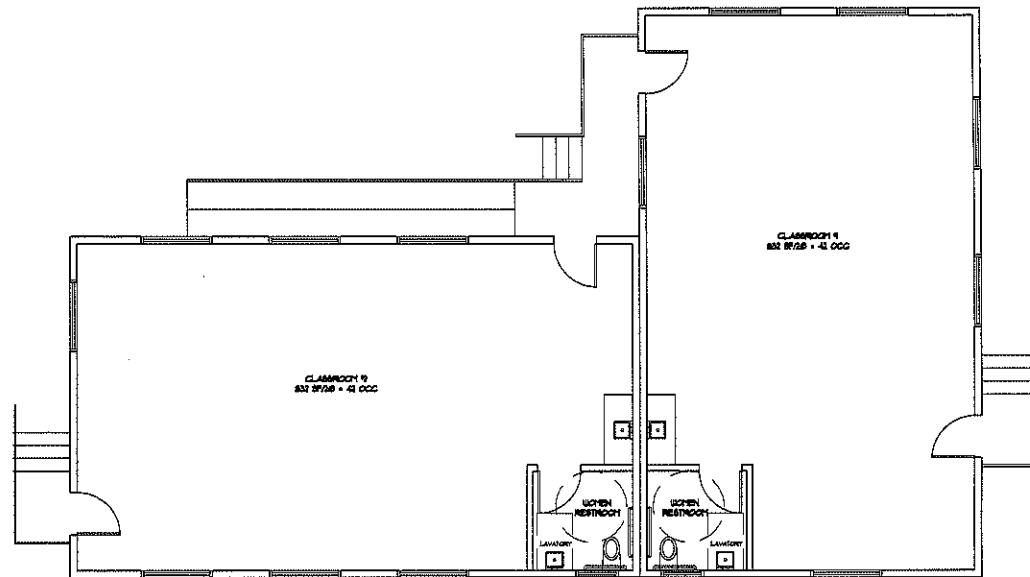
- Homework Tutoring
- Chinese Language and Culture
- Calligraphy
- Math Enrichment Practice
- English Phonics, Reading, Writing
- Chinese Chess / GO / Chess Club
- Music, Movement
- Chinese Dance
- Chinese
- Chinese Drawing
- Chinese Kung Fu
- Crafts, Songs,

After-School Class Schedule (Basic Program)

	Monday	Tuesday	Wednesday	Thursday	Friday
3:30-3:45	Homework/ Math/English	Homework/ Math/English	Homework/ Math/English	Homework/ Math/English	Homework/ Math/English
3:45-4:00	Snack	Snack	Snack	Snack	Snack
4:00-5:00	Chinese Class	Chinese Class	Chinese Class	Chinese Class	Chinese Class
5:00-5:30	Art/Crafts	Music/ Movement	Chess/ Science	Chinese Calligraphy	Art/Craft
5:30-6:30	Clean up/ Playground	Clean up/ Playground	Clean up/ Playground	Clean up/ Playground	Clean up/ Playground

After-School Class Schedule (Elective Program)

	Monday	Tuesday	Wednesday	Thursday	Friday
3:30-3:45	Drawing Class	English Reading	Chess Class	English Writing Class	Chinese Kung Fu

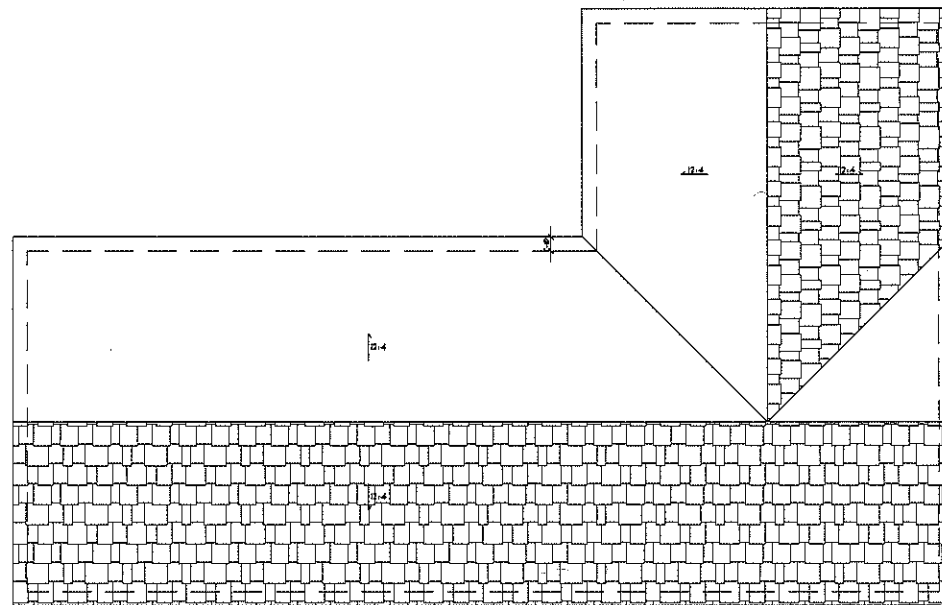


BUSINESS PROGRAM

NTS 3

FLOOR PLAN

1/4" 1



ROOF PLAN

1/4" 2

LHC

L.H.C. Construction

21000-A Big Basin Way
Sunnyvale, CA 95070
(408) 867-9331



DRAWN BY:
LUCY LIU
1025 THE DALLES AVENUE
SUNNYVALE, CA 94087
(408) 598-7060

SUNNY CHINESE LEARNING CENTER
NEW MODULE BUILDING

1025 THE DALLES AVENUE
SUNNYVALE, CA 94087

REVISIONS:	

SHEET TITLE:
FLOOR PLAN
ROOF PLAN
BUSINESS PROGRAM

DATE: JUNE 22, 2017 PROJECT NO.: 12-08
SCALE: AS SHOWN DRAWN BY: HC
SHEET

A-1

OF SHEETS

ATTACHMENT B
Page 2 of 3

LHC

L.H.C. Construction

21000-A Big Basin Way
Sunnyvale, CA 95070
(408) 867-9331



OWNER:
LUCY LIU
1025 THE DALLES AVENUE
SUNNYVALE, CA 94087
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**SUNNY CHINESE LEARNING CENTER
NEW MODULE BUILDING**

1025 THE DALLES AVENUE
SUNNYVALE, CA 94087

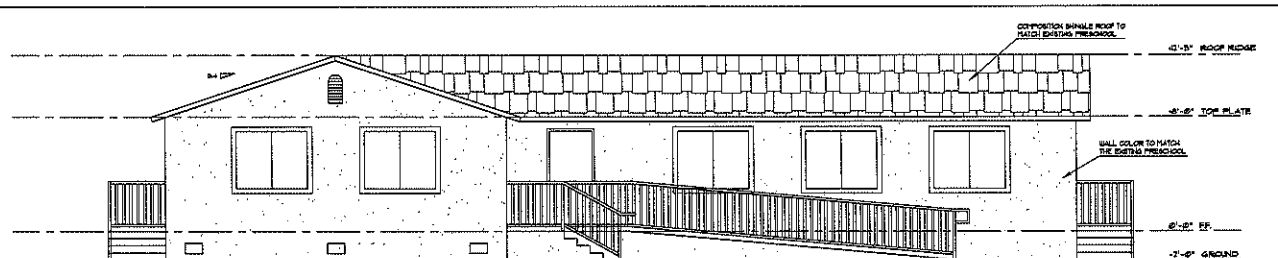
REVISIONS:

SHEET TITLE:
BUILDING ELEVATIONS

DATE: JUNE 21, 2017 PROJECT NO.: 17-006
SCALE: AS SHOWN DRAWN: HC
SHEET:

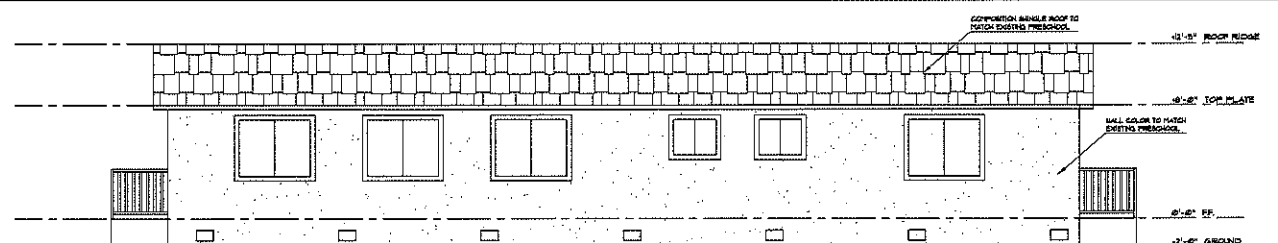
A-2

OF SHEETS



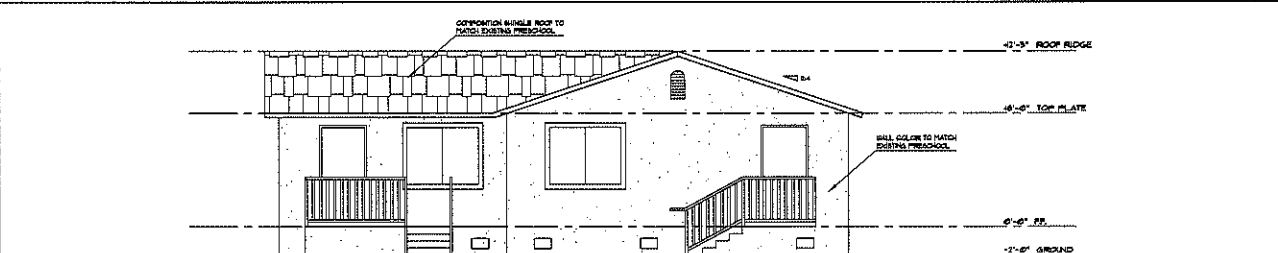
FRONT ELEVATION

1/4" 1



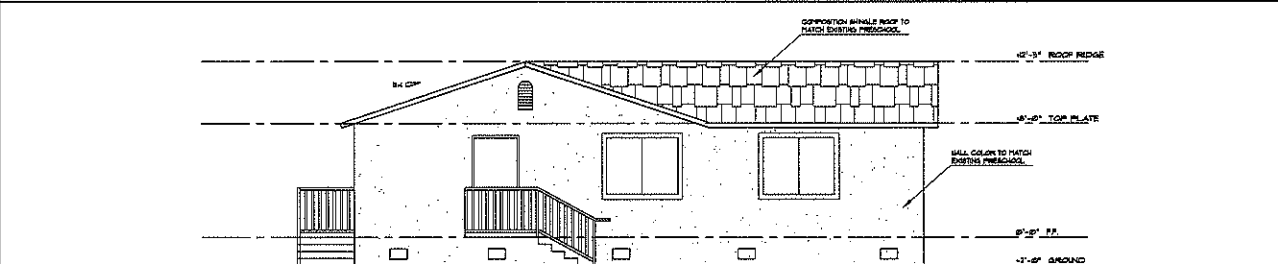
REAR ELEVATION

1/4" 2



RIGHT ELEVATION

1/4" 3



LEFT ELEVATION

1/4" 4

ATTACHMENT 3
Page 3 of 3

SUNNY CHINESE LEARNING CENTER

NEW MODULE BUILDING CONSTRUCTION

1025 THE DALLES AVENUE, SUNNYVALE, CA 94087

ATTACHMENT 6Page 1 of 1

APN: 153-05-11

BUILDING AREA 1,920 SQ. FT.

TYPE OF CONSTRUCTION: MODULE HOUSE

OCCUPANCY B

USE ZONE RI

PROPOSED USE K-8 AFTER SCHOOL

FIRE SPRINKLER SYSTEM NO

FIRE ALARM SYSTEM NO

PARKING SEE PARKING ANALYSIS

C.B.C. 2010

C.F.C. 2010

C.P.C. 2010

C.M.C. 2010

C.E.C. 2010

CALIFORNIA TITLE 24 2008

PROGRAM INFORMATION:

AFTER SCHOOL:

CHILDREN AGE: KINDERGARTEN OR ABOVE
MINIMUM AGE: 4 YEARS 9 MONTHS

CLASSROOM:

CBC 2010, TABLE 1004.1.1

EDUCATIONAL - CLASSROOM: 20 NET/ SQFT

CLASSROOM #1: 832 SF / 20 = 42 CHILDREN

CLASSROOM #2: 832 SF / 20 = 42 CHILDREN

TOTAL CHILDREN: 84

STAFF RATIOS:

ONE TEACHER: 14 CHILDREN

ONE TEACHER AND 1 AIDE: 28 CHILDREN

CLASSROOM #1: 36 CHILDREN / 14 = 3 TEACHERS

CLASSROOM #2: 39 CHILDREN / 14 = 3 TEACHERS

TOTAL TEACHERS: 6

OCCUPANTS LOAD: 84 + 6 = 90

OUTDOOR SPACE: NOT REQUIRED

PROVIDE: 2,870 SF

RESTROOMS:

CPC 2010, TABLE 4-1, ELEMENTARY:

TOILET: MALE 1 PER 30 / FEMALE 1 PER 25

LAVATORY: MALE 1 PER 35 / FEMALE 1 PER 35

PROVIDE 2 RESTROOM FOR EACH CLASSROOM

PARKING:

1 PER 1 TEACHER: 6 PARKING SPACES

3 PER CLASSROOM: 6 PARKING SPACES

TOTAL PARKING REQUIRED: 12

LOT COVERAGE	BUILDING AREA (SF)
(E) CHURCH	64
(E) KURTZ HALL	34
(E) AMAZING CREATIONS PRESCHOOL	681
(N) SUNNY CHINESE LEARNING CENTER	19
(E) CONTAINER	3
(E) STORAGE #1	1
(E) STORAGE #2	2
	19,3
STE AREA	191,5
LOT COVERAGE	10,1

BUILDING DATA

NTS

3

PROGRAM DATA

NTS

2

PARKING ANALYSIS	FACTORS	PARKING CALCULATION	PARKING REQUIRED	SCHEDULE
(E) CHURCH	FIXED SEAT: 224 OTHER AREA: 3400 SF	224 / 3 = 74.7 3400 / 400 = 8.5	81	SATURDAY & SUNDAY 8:00AM - 10:00PM
(E) KURTZ HALL	AREA: 3488 SF	3488 / 400 = 8.7	9	EVERYDAY 8:00AM - 10:00PM
(E) AMAZING CREATIONS (E) CHURCH	STUDENT : 72 TEACHER: 7	72 / 14 = 5.1 7 X 1 = 7	13	MONDAY - FRIDAY 8:00AM - 6:00PM
(N) SUNNY CHINESE LEARNING CENTER	K-8 CLASSROOM: 2 TEACHERS: 6	2 X 3 = 6 6 X 1 = 6	12	MONDAY - FRIDAY 8:00AM - 7:00PM
		REQUIRED	115	
		PARKING PROVIDE	158	
		(E) ADA PARKING	7	

PROJECT DESCRIPTION

PROVIDE A K-8 AFTER SCHOOL
2 MODULE HOME BUILDINGS
2 CLASSROOMS, OUTDOOR SPACE
2 ADA RESTROOMS
ACCESSIBLE STAIRS AND RAMP
INSTANT WATER HEATER
WINDOW TYPE HVAC

BUILDING DATA

NTS

5

NTS

4

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

August 15, 2012

Decision under advisement

Approved August 21, 2012

Planning Application 2012-7479

1025 The Dalles

Use Permit to allow an after school educational enrichment facility (two new portable classrooms totaling 1,920 sq. ft.) at St. Luke's Church.

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:

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[COA] [PLANNING]

2012-7479 1025 The Dalles

August 21, 2012

Page 2 of 6

GC-2. USE EXPIRATION:

The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. 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-4. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all previous conditions of approval and requirements of planning permits issued for the site. [COA] [PLANNING]

GC-5. SIGNS:

All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [COA] [PLANNING]

GC-6. PARKING

- a. Portions of curb and paving in North Parking Lot that is currently in disrepair shall be repaired prior to Occupancy Permit for proposed use.
- b. Bicycle parking for a total of eight bicycles (4 Class 1 and 4 Class 2) shall be provided near the proposed use prior to Occupancy Permit.
- c. *The existing driveway along west property line serves as a fire lane. This driveway needs to be maintained and marked as a Fire Lane. This driveway shall not be utilized for parking or any other use at any time. (COA) (PLANNING-ZA HEARING)*
- d. *Submit a Parking Plan for the entire site to ensure that both parking lots are adequately and appropriately used.*
 - i. *The Parking Plan shall include designated parking areas for the preschool, the meeting hall and the proposed afterschool facility. The Plan shall include designated parking lots for staff, drop-off and pick-up parking, limit number of special purpose vehicles and on-site vehicle storage. (COA) (PLANNING - ZA HEARING)*

BP: THE FOLLOWING 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).

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

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

BP-3. 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-4. ROOF EQUIPMENT

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

BP-5. LANDSCAPE BUFFER:

Plant shrubs/trees (water conserving species) in North Parking Lot to provide a minimum of six foot high hedge-like screening along the north and west property lines; include this information on a revised Site Plan. Planting and associated irrigation shall be completed prior to Occupancy Permit for the proposed use (COA) (PLANNING)

BP-6. 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.

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- 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) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.

BP-7. FEES AND BONDS:

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

- a) TRANSPORTATION IMPACT FEE – Prior to issuance of a Building Permit, pay a Transportation Impact Fee for the net new trips resulting from the proposed project. The fee shall be calculated based on net new PM peak hour trips and using the adopted fee schedules at the time of payment (SMC 3.50). (SDR) (PLANNING)
 - (i) *TIF Fee is calculated and paid at the time a building permit is obtained. As of August 15, 2012, the TIF Fee was \$7,284.54. However, as of August 20, 2012, this fee has increased to \$7,443.84.*

BP-8. *The site plan shall be modified to increase the setback of the proposed modular building to be at least 80 feet from the west property line. (COA) (PLANNING - ZA HEARING)*

PF: THE FOLLOWING 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 REPAIR AND STRIPING:
All parking lot repair and striping shall be per approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-4. *Existing driveway along west property line shall be marked and maintained as a Fire Lane as approved by Division of Fire Prevention. (COA) (PLANNING – ZA HEARING)*

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

- AT-1. HOURS OF OPERATION:
The use permitted as part of this application shall comply with the following hours of operation at all times:
- a) The hours of operation for the proposed use are limited to 3:30 p.m. to 7:00 p.m. Monday through Friday. Extended hours, including for temporary events, shall require separate review and approval. [COA] [PLANNING]
- AT-2. MAXIMUM NUMBER OF STAFF/STUDENTS:
As proposed, the Use Permit allows for a maximum of 84 students, and 6 staff members during the operation hours of 3:30 p.m. to 7 p.m. Monday through Friday. (COA) (PLANNING)

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- AT-3. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-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, *including the approved Parking Plan. (COA) (PLANNING - ZA HEARING)*
- AT-7. NOISE:
All instruction and activity shall occur indoors. During high noise generating activities such as music and singing, the doors and windows shall be kept closed to minimize noise impact on neighboring properties. (COA) (PLANNING – ZA HEARING)



CDE Home » Learning Support » Parents/Family & Community » Heritage Schools » Heritage School Registration Form

Annual Heritage School Transaction Page

[Return to Heritage School Information](#)

Transaction Information

Transaction Number	45282018119403803800
Submitted Date and Time	1/4/2018 10:19:40 AM

Heritage School Information

Name of Heritage School	Sunny Chinese Learning
Name of the person, firm, association, partnership, or corporation under which this heritage school does business	Sunny Chinese Learning Inc.
Additional name (if any) of the person, firm, association, partnership, or corporation under which this heritage school does business	
County in which heritage school is located	Santa Clara
Address at which Heritage School delivers services	1025 The Dalles Ave
City	Sunnyvale
School Zip Code	94087 -
Type of heritage school	1
Heritage School telephone number	(408) 886-8048
Name of the state or national cultural or language association in which membership is maintained	CA

Statistical Information

Range of student ages.	Youngest: 4 Years 9 Months
(Youngest may be no younger than 4 year and 9 months and older no more than 18 years)	
Oldest Student age	Oldest: 18 Years
Enrollment by grade span (Elementary, K-6)	82
Enrollment by grade span (Secondary, 7-12)	0
Enrollment by grade span (Ungraded)	0
Total enrollment	82
Number of teachers	7

Administrative Staff



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Frequently Asked Questions Heritage Schools

Frequently asked questions pertaining to heritage schools.

What is a heritage school?

California [Education Code \(EC\) Section 33195.4](#) defines “heritage school” as a school that serves children who are at least four (4) years and nine (9) months of age and no older than 18 years of age, and who also attend a public or private full-time day school. Also included in the definition is the requirement that heritage schools do **all** of the following:

- Specify regular hours of operation.
- Offer education or academic tutoring, or both, in a foreign language.
- Offer education on the culture, traditions, or history of a country other than the United States.
- Offer culturally enriching activities, including, but not limited to, art, dancing, games, or singing, based on the culture or customs of a country other than the United States.
- Maintain membership in a state or national cultural, or language association.
- Comply with relevant local government regulations, where applicable.
- Do not operate out of a residential home.
- Comply with the requirements of [EC Section 33195](#) and maintain in its possession a copy of the registration form electronically filed with the Superintendent. The heritage school shall make this form available upon request, including to the State Department of Social Services, to verify exemption from child care licensure.

Note: A heritage school, as defined above, is exempt from licensure by the State Department of Social Services as a child day care center. Attendance at a heritage school does not satisfy California compulsory education requirements pursuant to [EC Section 48200](#).

Where can I find all of the requirements pertaining to heritage schools?

California [EC Section 33195](#) (chaptered on September 24, 2010) establishes and defines in statute heritage schools. It includes requirements pertaining to filing the Heritage School Registration (HSR) Form annually; cultural activities offered; health and safety; membership in a state or national cultural, or language association; parent notification; employment and contracting practices; payment of a registration filing fee; and other operational issues.

Have the heritage schools that appear in the California Department of Education (CDE) Heritage School Registration Form Search Page been licensed, evaluated, or approved by the CDE?

[Heritage School Registration Form Search Page](#)

No. Consistent with [EC Section 33195\(c\)](#), neither the Superintendent of Public Instruction nor the CDE evaluate, approve, recognize, accredit, nor endorse any heritage school.

Note: The CDE has no regulatory authority over heritage schools and does not monitor heritage school operations, instruction, or data submitted. The CDE's only role with respect to heritage schools is to maintain the HSR Form and process defined by [EC Section 33195](#).

Must heritage school employees be fingerprinted and submit to a Department of Justice background check?

Yes, consistent with [EC Section 33195\(a\)\(6\)](#), heritage schools must comply with [EC Section 44237](#), which specifies that each applicant for a position submit fingerprints to the California Department of Justice so that the school can obtain a confidential criminal records summary. For information about this process and the Live Scan Service, please visit the [California Department of Justice Background Checks Web page](#).

My organization oversees more than one heritage school in California. May I submit one HSR Form annually on behalf of all of my heritage schools?

No. [EC Section 33195\(b\)](#) requires the submission of a separate HSR Form annually for each heritage school.

How can I locate a heritage school in my area?

The [Heritage School Registration Form Search Page](#) contains registration forms submitted by heritage schools that have completed the annual Heritage School Registration filing process. The search feature allows users to search heritage schools by city, county, or name of the heritage school.

May heritage school coursework be given credit by public schools or colleges?

Local school districts, colleges, and universities make their own determinations regarding granting school credit for outside activities. Contact the school, college, or university directly for a determination regarding course credit.

Are heritage schools that have filed the Heritage School Registration Form entitled to state funding?

No. [EC Section 33195\(d\)](#) specifies that filing the HSR Form does not grant a heritage school any right to receive state funding.

Who determines that the building where a heritage school operates is safe and properly equipped?

A heritage school building, like any other privately owned building, must comply with the requirements imposed by the county, city, and other agencies within whose jurisdiction the building is located. Such requirements include zoning, health and safety codes, fire codes, and other local ordinances.


Are there health and safety requirements for heritage schools?

Yes. [EC Section 33195\(d\)](#) identifies specific health and safety requirements for all heritage schools, as follows:

a) A director of a heritage school shall undergo at least 15 hours of health and safety training, which must include all of the following components:

- 1) Pediatric first aid
- 2) Pediatric cardiopulmonary resuscitation (CPR)

3) A preventive health practices course or courses that include instruction in the recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries.

4) Training in pediatric first aid and CPR, pursuant to (1) and (2), shall be provided by a program approved by the American Red Cross, the American Heart Association, or the Emergency Medical Services Authority pursuant to California [Health and Safety Code Section 1797.191](#) .

5) Training in preventive health practices, pursuant to (3) above, shall be provided by a training program approved by the Emergency Medical Services Authority.

6) In addition to the training programs specified in (4) and (5) above, training program or courses in pediatric first aid, pediatric CPR, and preventive health practices offered or approved by an accredited postsecondary educational institution are considered to be approved sources of training that may be used to satisfy the training requirements of paragraphs (1) to (3), inclusive.


7) Persons who, prior to the effective date of this section, have completed a course or courses in preventive health practices as described in paragraph (3), and have a certificate of completion of a course or courses in preventive health practices, or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventive health practices, shall be deemed to have met the training requirement for preventive health practices pursuant to paragraph (3).

b) All employees and volunteers of a heritage school shall be in good health, as verified by a health screening, including a test for tuberculosis, performed by, or under the supervision of, a licensed physician and surgeon.

c) Pupils attending heritage schools shall have access to working sinks, toilets, and drinking water.

d) No pupil attending a heritage school shall have access to medication or cleaning supplies, except as otherwise provided by law.

Are heritage school employees mandated reporters of child abuse and neglect?

Yes, effective January 2013 [EC Section 33195\(a\)\(8\)](#)  defines this requirement. As a result, the Acknowledgements and Statutory Notices section of the annual HSR Form includes Items 17 through 20, requiring all heritage schools that register to certify that:

- The director of the heritage school and all employees are mandated reporters subject to the requirements established by the [Child Abuse and Neglect Reporting Act](#), which is defined in Article 2.5 commencing with Section 11164 of Chapter 2 of Title 1 of Part 4 of the Penal Code.
- The heritage school employer acknowledges that he/she is encouraged to provide its heritage school employees with training in the duties imposed by the Child Abuse and Neglect Reporting Act.
- The employees of the heritage school have signed a statement provided by the employer certifying that the employees have knowledge of the Child Abuse and neglect Reporting Act and will comply with its provisions.
- The employees of the heritage school have been notified by the employer of their reporting obligations and confidentiality rights, pursuant to Penal Code Section 11165.9.

Are heritage schools licensed?

No. Consistent with [EC Section 33195.6\(e\) and \(f\)](#), heritage schools (as defined in [EC Section 33195.4](#)) are not subject to licensure by the State Department of Social Services as child day care centers. Upon a pupil's enrollment in a heritage school, the heritage school must provide a notice to the pupil's parent or guardian that states that the heritage school is exempt from child care licensure, and that attendance at a heritage school does not satisfy California's compulsory education requirements defined in [EC Section 48200](#).

However, child care facilities that enroll students younger than four (4) years and nine (9) months must be licensed through the [Community Care Licensing Division of the California Department of Social Services](#).

Is there a fee associated with filing the Heritage School Registration Form?

Yes. Consistent with [EC Section 33195.5\(b\)](#), the California Department of Education (CDE) may charge a fee that is sufficient to cover, but not exceed, the costs incurred by the CDE to implement the registration process. The 2018 fee is \$250 per heritage school, and it is payable by money order, cashier's check, or credit card. Step 9 of the [Instructions for Filing the Heritage School Registration Form](#) details the payment process.

Can a registered Heritage School make changes to the submitted information?

A Heritage School which has registered with the California Department of Education can only make changes to the following submitted information:

- The physical address of the Heritage School
- The name of the director of the Heritage School

In order to change the physical address of the Heritage School, the director, owner, or board of trustees, named on the registration form needs to submit the change by email to heritageschools@cde.ca.gov.

In order to change the name of the director of the Heritage School, please mail the change of information on letter head, signed by the board of directors or the owner of the Heritage School, to:

Heritage School Office
California Department of Education
1430 N Street, Suite 4309
Sacramento, CA 95814

All other changes need to be made at the time of the next Heritage School Registration period, which is January 1 – 31st each year.

Questions: Heritage Schools | heritageschools@cde.ca.gov | 916-445-7331

Last Reviewed: Friday, December 22, 2017

Environmental Consulting Services **18488 Prospect Road – Suite 1, Saratoga, CA 95070**
Phone: (408) 257-1045 stanshell99@toast.net

October 1, 2018

Ms. Hsi Liu
Sunny Chinese Learning Center
1025 The Dallas
Sunnyvale, CA 94087

RE: Noise Impact and Mitigation Study for the Sunny Chinese Learning Center Project,
St. Luke Lutheran Church, 1025 The Dallas, Sunnyvale

Dear Ms. Liu,

In response to your request I have evaluated the potential noise impacts that could be produced at nearby residential receptor locations by the proposed changes in activities at your school at St. Luke Lutheran Church in Sunnyvale. The report discusses the present environment, the proposed new activities and their associated noise-related aspects at the nearest receptors in the area, and compliance with Sunnyvale noise guidelines.

To summarize the conclusions of the report, the proposed changes to the on-site activities would meet the City noise ordinance limitations and would not produce any significant noise disturbance in the vicinity of the site.

Project Description [1]

The school program serves up to 84 kindergarten-through-sixth grade kids, with a staff of up to 7 at a time on site. The school proposes slightly modified operating times to match local school operation times, as well as several outdoor activity areas on site for the elementary-age kids. To match times that the local school districts are not in session for K-6, such as early dismissal days, as well as breaks (spring/summer/winter), the proposed hours of operation are 11:30 AM to 6:30 PM during regular school days, and 8:30 AM to 6:30 PM while students are on holidays, and spring, summer or winter breaks.

A total of four 30-minute periods of outdoor play time is proposed, with up to 24 kids at a time within the fenced area, divided into two groups, and 12 to 15 kids at a time in the unfenced areas on grass and concrete adjacent to the church, as shown in Exhibit 1. No changes are proposed for the actual operation of the school except for the slightly modified operational times and the new outside play areas proposed.

Sensitive Receptor Locations

The project area is a residential neighborhood on the north side of The Dallas Avenue and west of Wright Avenue in Sunnyvale. The nearest sensitive receptor locations for noise generated by the project includes several single-family dwellings on Enderby Way adjacent to the parking lot along the north property line of the church. The closest residential property lines across the parking lot are 76 feet from the fenced play areas and 100 feet from the unfenced play areas adjacent to the church building. Other residential receptors in the area would have less noise due to increased distance and intervening building obstructions.

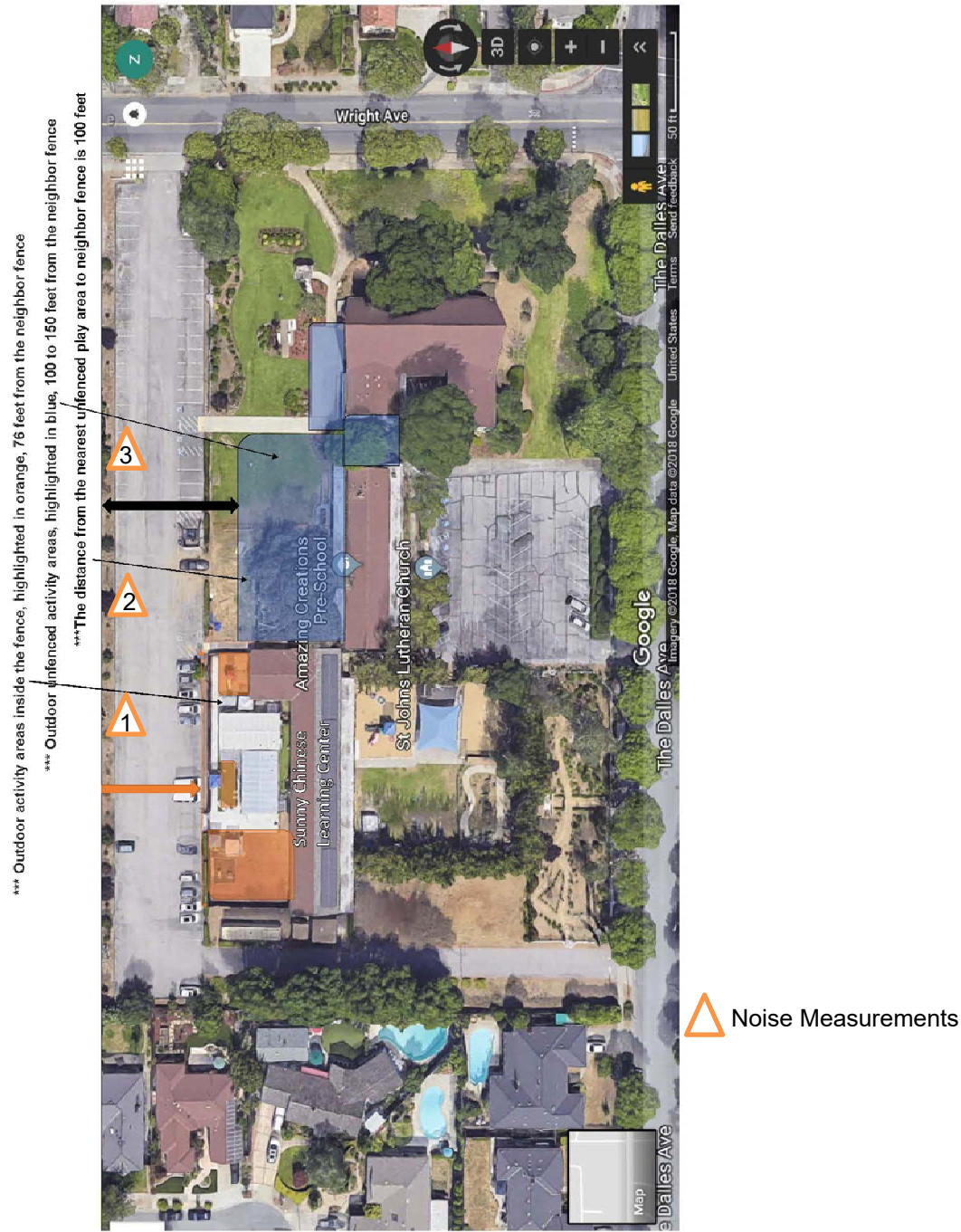


Exhibit 1 – Sunny Chinese Learning Center and church site plan

This study investigates the extent to which the closest adjacent residences could be impacted by noise from outdoor school activities. The existing ambient noise environment and potential noise impacts are discussed in the following sections.

Ambient Noise Levels and Noise Sources in the Area

The primary source of ambient noise in the project area is traffic on Route 85 freeway, about one quarter mile west of the Church site. Only sporadic cars using the church parking lot create significant noise above the ambient in the 55-70 dBA range at the property line. Large and small aircraft and helicopter overflights create infrequent noise incidents of 55 to 65 dBA. There are no other significant noise sources in the project area.

Field noise measurements were made during the afternoon period of July 20, 2018 with a CEL-440 Precision Noise Meter and Analyzer, calibrated with a B & K Model 4230 Sound Level Calibrator. Measurement locations were chosen to represent typical noise levels adjacent to the key receptor locations, as shown in Exhibit 1 and described below. During all three measurement periods there were about a dozen Chinese school kids engaged in normal outdoor play activities in an area closest to the measurement location.

- Location 1 – next to the residential fence across from the concrete play area directly adjacent to the church, where approximately a dozen kids were playing
- Location 2 -- next to the residential fence across from the enclosed play area adjacent to the Learning Center structure, where approximately a dozen kids were playing
- Location 3 - next to the residential fence across from the grassy area, where approximately a dozen kids were playing

Noise levels were measured and are reported using percentile noise descriptors, as follows: L_{90} (the background noise level exceeded 90 % of the time), L_{50} (the median noise level exceeded 50% of the time), L_1 (the peak level exceeded 1% of the time), and L_{eq} (the average energy-equivalent noise level). Measured noise levels are presented in Exhibit 2 below. The L_{dn} noise levels were computed as the long-term average of the L_{eq} using the daily traffic distribution in the area, with standard weighted penalties for the nighttime hours, and modeled with an enhanced version of the National Cooperative Highway Research Board traffic noise model [2].

EXHIBIT 2 AMBIENT NOISE LEVELS (dBA) Sunny Chinese Learning Center

Receptor location	L_{90}	L_{50}	L_{eq}	L_1	L_{dn}
1. At fence across from concrete play area	46	51	49	58	49
2. At fence across from fenced play area	47	54	52	62	50
3. At fence across from grassy play area	47	53	51	59	50

Traffic is the dominant noise source near the project site, with noise levels at any location in the area depending upon volume, speed and distance to traffic. In this particular area the noise on the 85 freeway provides the most noticeable consistent noise level, with sporadic cars using the church parking lot creating peak levels between 55 and 65 dBA while parking and leaving the lot. With the church providing a noise barrier to most of the traffic on The Dallas, and some distance to Wright Avenue, general noise levels from these traffic sources around the school are low. Aircraft overflights also can raise noise levels above 60 for a minute or two. It should be noted that noise levels from kids playing in all three locations were below 60 dBA.

Relevant Sunnyvale Noise Ordinance Limits [3]

Section 19.42.030 of the Sunnyvale Code is applicable to this project, which limits noise on residential property to 60 dBA during daytime hours, and 50 dBA during evening hours.

Potential Sunny Chinese Learning Center Noise Impacts**Outdoor play activities**

All outdoor activities would occur in the fenced play areas adjacent to the school and in the unfenced play areas next to the church building, as shown in Exhibit 1. Several types of play activities would be included in the different areas, including climbing structure play, use of riding toys, group games, games with balls, and other appropriate outdoor play activities.

Outdoor play time will be a total of four 30-minute periods, with up to 24 kids at a time within the fenced area, divided into two groups, and 12 to 15 kids at a time in the unfenced areas on grass and concrete adjacent to the church, as shown in Exhibit 1. Each play group of 12-15 kids would be supervised by at least one adult.

All of the project noise would be from sporadic voices of the K-6 age kids and staff during outdoor play periods. Activities of this type create intermittent brief noise from voices of 50 to 60 dBA at a distance of 50-75 feet. Since the closest adjacent residential fence is approximately 75 feet from the enclosed play yard, there are two fences between the enclosed play area and the nearest backyards. The other play areas that are unfenced, the concrete areas and grassy areas, are at least 100 feet from the residential property lines. Distance and the property line wood fences reduce the play yard noise at all of the nearest residences by 12 to 15 dBA. Hence the highest backyard noise levels from kids play would be in the range of 45 to 48 dBA, significantly below the 60 dBA City daytime noise limits, and would not be noticeable with existing ambient daytime noise levels from traffic in the same range.

Conclusions and Summary

Overall ambient noise levels in the immediate project area now depend primarily on freeway traffic noise, and this will continue to be the dominant noise source in the area in the foreseeable future. The primary noticeable noise would be intermittent and brief voice incidents from kids playing in the areas adjacent to the church building. With the informal type of play activities and the distances and/or fence protection involved, these activities would be within City noise ordinance limits, and would not create any noise impacts in the adjacent residential areas. Thus the new school play areas would not create any noticeable noise impact.

If I may be of further assistance on this project, please do not hesitate to contact me.

Respectfully submitted,

Stan Shelly

H. Stanton Shelly
Acoustical Consultant
Board Certified Member (1982)
Institute of Noise Control Engineering

REFERENCES

1. Project description and Learning Center school schedules, Ms. Hsi Liu, Co-owner, July 2018.
2. *Highway Noise - A Design Guide for Highway Engineers*, National Cooperative Highway Research Program Report 117, Highway Research Board, National Academy of Sciences, Washington, D.C., 1971 (model enhanced and field validated by ECS).
3. Municipal Code Section 19.42.030, Noise levels for residential and commercial zones; City of Sunnyvale.

To: City of Sunnyvale Community Development Department

From: Sunny Chinese Learning Center

Date: July 15, 2018

Subject: Extend hours of operation & addition of outdoor activities

Mrs. Divatia,

We would like to extend our hours of operation to align with the times during which the schools in the Sunnyvale and Cupertino School Districts are not in session for K-5, early dismissal days as well as breaks (spring/summer/winter). The proposed hours of operation are 11:30 PM to 6:30 PM during regular school days and 8:30 AM to 6:30 PM while students are on spring, summer or winter break.

We would also like to modify our permit to allow outdoor play for our school program. The first area will be inside of the fence of Sunny Chinese Learning Center. The other areas are highlighted in blue on the floor plan; the total square footage of the exterior areas I have proposed is approximately 5,300 ft. These areas will be used for the outdoor program. The distance from the neighbors' back fence to the outdoor area is about 150 feet. Our plan for the outdoor program is as follows:

Number of Students: Maximum of 12 students on each side of the fence

Number of Teachers: Supervision of 1 teacher per group

Activities: Ball Play, Exercises, Group Games, Free Play

No changes will be made to the program beside the hours of operation and addition of outdoor activities.

Best Regards,

Hsi Liu

Shetal Divatia

From:
Sent: Sunday, September 30, 2018 4:11 PM
To: Shetal Divatia
Cc:
Subject: Sunny Chinese Learning Ctr.

Dear Shetal,

I am writing to you regarding the upcoming Zoning Hearing for the Sunny Chinese Learning Ctr.,(SCLC), located at 1025 The Dalles, Sunnyvale.

I understand that the hearing has been moved to Wednesday, October 10th at 1:30 pm.

Prior to the hearing, I would like to make you aware of some issues related to the SCLC and also related to general activities that take place on the property of St, Luke's Church.

In 2012 when the SCLC was approved for their last permit, the instruction and activity of the Center was to take place indoors and between the hours of 3:30 and 7 pm. It was made clear to the Center by city staff that students were not allowed to have outside activities and they stated they understood and would abide by these rules. However, outside play areas were built next the the classroom portables and both this area and the grass area behind the church hall were used for outside activities.

I asked Pastor Bob McKee to speak with the Director of SCLC and Pastor McKee confirmed with a church member in attendance at the last hearing that the Center has agreed to no outside student activities. Outside activities continued to take place.

As recently as yesterday evening at 6 pm, 10/28/18, I had to walk through to the Center and ask Lucy, the Center Director, to move the students indoors because they were so loud.

Frankly, our neighbors and my husband and I have no confidence that the SCLC will abide by any time or other restrictions considered on 10/10/18, as they have not done so since 2012.

The SCLC held camps during the summer and other school breaks from 8:30 to 7 pm every days although they did not have the permit appropriate to that activity.

St. Luke's also has the Amazing Creations Preschool in the classrooms facing The Dalles. Amazing Creations has a preschool and transitional kindergarten programs as well as daycare.

The Dept of Social Services, CDSS, defines Amazing Creations as a daycare center with a capacity of 65 children. The Preschool has had an outside area that was fenced next to the church parking lot on the Dalles.

Within the last two months, on a Saturday, the original fence was taken down and rebuilt to twice it's original dimension. My husband and I measured the fence extension which is now 55 feet closer to the fire lane directly behind out house. Along the fire lane, the new fence is 123 feet. The bushes that were stipulated as part of the original permit as a sound barrier to the neighborhood now run down the middle of the play area and no space was left along the fire lane for plantings.

This new fence is approximately 39 from our back fence. (The SCLC fence is less than 50 feet from the fence than runs behind our and our neighbors.)

The new Preschool outside play area now has play structures that allow children and adults to look directly into our backyard. I do not know if the Preschool or St. Luke's applied for a permit modification to double the size of the play area while also moving the play area closer to the backyards of the neighbors. My husband and I estimate that the outside play area increased from 6,765 ft. to 13,530 ft.

Within a couple of weeks of the new fence being installed, a 4 year old student of the Preschool opened the side gate onto the fire lane behind our house and couldn't get back into the play area. I heard a sobbing child and went through our back fence gate to see if there was a problem. The Preschool staff did not hear me yell to them and so I walked the child around the building into the play area. The staff did not realize they were missing a child and the child's mother, also a member of the staff, was very thankful I brought the child back. Since that time, the Preschool first installed a battery alarm on the exit door which broke and then a bell was installed so that it rings every time the door is opened.

This Preschool exit door is used by not only Preschool staff and parents but also AA members who have meetings almost every evening from in the empty classrooms and the Boy Scouts who have meetings once a week in the church hall and access their storage unit at the end of the classroom wing directly behind our house. The result is that the bell on the exit door is ringing every evening right behind our house until at least 8:30 pm.

I would like to express the concerns of ourselves and our neighbors that the activity, traffic and volume of the noise already created by the various groups/businesses that use the St. Luke's property has become a hindrance to our neighborhood and further growth of the SCLC would not be compatible with our neighborhood as a whole.

Thank you for your time and please let me know if you have any questions.

Warm regards,

Glynis Price and Chris Oliva



Shetal Divatia

From: Vivian Euzent
Sent: Saturday, September 15, 2018 9:28 PM
To: Shetal Divatia
Subject: File #: 2018-7519/St. Luke Lutheran Church

We live across The Dalles from St. Luke's Church. We received the request to modify the permit for the Sunny Chinese Learning Center. We are not members of the church and have lived at this address since 1976. We do support this change in both time and giving permission to have outdoor play areas.

Respectfully,
Vivian and Bruce Euzent

[REDACTED]



a. The dimension is 40 ft X 50 ft = 2,000 square feet.



b. The dimension is 12 ft X 25 ft = 300 square feet, and it is used for sitting and hangout



c. The dimension is 23 ft X 25 ft = 575 square feet



a, b & c are fenced areas and all inside of the gate



d. Covered corridor with dimension of 24 ft X 85 ft = 2,000 square feet. Paved concrete with benches to be used for outdoor seating & hangout



e. The concrete underneath tree with dimension of 27 ft X 54 ft = 1,500 square feet. It is used for sitting, hangout and free play



f. The concrete area in front of sanctuary with dimension of 26 ft X 69 ft = 1,800 square feet. It is used for free play and hangout



g. The lawn area with dimension of 50 ft X 50 ft = 2,500 square feet. It is used for ball games and free play



The playground for Amazing Creations Pre-school with dimension of 175 ft X 120 ft = 21,000 square feet



1. Proposed outdoor play fenced areas which are highlighted in Orange color:
 - a. The dimension is 40 ft X 50 ft = 2,000 square feet
 - b. The dimension is 12 ft X 25 ft = 300 square feet
 - c. The dimension is 23 ft X 25 ft = 575 square feet
2. Proposed outdoor play areas which are highlighted in Blue color:
 - d. The dimension is 24 ft X 85 ft = 2,000 square feet
 - e. The dimension is 27 ft X 54 ft = 1,500 square feet
 - f. The dimension is 26 ft X 69 ft = 1,800 square feet
 - g. The dimension is 50 ft X 50 ft = 2,500 square feet
3. Existing outdoor play areas for Amazing Creations Pre-School which is highlighted in Green color:
 - h. The dimension is 175 ft X 120 ft = 21,000 square feet



City of Sunnyvale

Agenda Item

18-1087

Agenda Date: 12/12/2018

REPORT TO THE ZONING ADMINISTRATOR

File #: 2018-7479

Location: 904 Caribbean Drive (APN: 110-37-001)

Applicant / Owner: Cepheid (applicant) / Terreno Caribbean Llc (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to add a canopy to the recycling and trash facility, resulting in 46.6% lot coverage, where 45% is the maximum allowed. A deviation is also requested from the parking requirement with 259 spaces are provided, where a minimum 278 spaces are required.

Reason for Permit: A minor Special Development Permit (SDP) is required for a deviation from the minimum lot coverage requirement.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Compatibility

Recommendation: Approve with conditions

PROJECT DESCRIPTION

Zoning District:	Moffett Park Industrial (MPI)	Existing	General Industrial Building
		Proposed	Same

Previous Planning Projects related to Subject Application: <i>2013-7365 Miscellaneous Planning Permit (MPP) for review of parking requirements.</i>	Yes
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements <i>259 parking spaces are provided where 278 is minimum required. Proposed lot coverage is 46.6% where 45% is the maximum allowed.</i>	Yes, parking and lot coverage

The project includes the addition of a canopy over the existing recycling and solid waste facility on an industrial site, resulting in 46.6 percent lot coverage, where 45 percent is the maximum permitted. No change to parking is proposed as part of this application. A minor SDP is required to allow deviation from the maximum lot coverage.

18-1087**Agenda Date: 12/12/2018**

See Attachment 1 for Vicinity and Noticing Map and Attachment 2 for Project Data Table.

Background

The project site is located in the Moffett Park Specific Plan (MPSP) Industrial area north of highway 237, between East Caribbean Drive and Crossman Avenue. The site is surrounded by general industrial and warehouse use buildings. The Twin Creek Sports complex is located across East Caribbean Drive to the north. The site consists of two one-story industrial buildings (904 and 918 Caribbean Drive) that are currently leased by Cepheid Inc. A total of 300 employees currently work at the project site per shift, that operates 24 hours a day and seven days a week.

Trash and Recycling Facility

The recycling and solid waste area is positioned between the two buildings along a central drive aisle. The area is located away from the main street and neighboring properties, and adjacent to active loading decks, a service yard and surface parking spaces.

The applicant proposes to cover the 4,104 square foot recycling area with a corrugated metal roof that reaches a maximum overall height of 29'-0" adjacent to the drive aisle that gradually slopes down to 25'-6" towards the building. The overall height is guided by the minimum required clearance for the loading area. Staff recommends adding a Condition of Approval (Condition PS-1, Attachment 3) requiring the proposed structure to be painted to match with existing buildings for reducing its visual prominence.

Lot Coverage

Per Sunnyvale Municipal Code (SMC) Table 19.29.140, a maximum of 45 percent lot coverage is allowed for properties located within the MPI zoning district. The existing site is legally non-conforming with an existing lot coverage of 45.5 percent. The addition results in 1.1 percent increase to the lot coverage for a total of 46.6 percent.

The canopy is not included in the floor area calculation and, therefore, does not result in an increase in Floor Area Ratio or parking requirements. Staff is supportive of the deviation because, as conditioned; the project will have no adverse visual impact, and will help in improving the existing trash and recycling facility.

Parking

The existing use on the site includes general industrial and warehouse. The site is legally non-conforming with regards to parking with 259 spaces, while a minimum 278 spaces are required.

The proposed project will not increase the legal non-conformity, as no changes are proposed to parking, and the canopy addition will not generate a demand for additional parking spaces. Nevertheless, Cepheid has entered an agreement with Twin Creeks Sports Complex across the street for 25 additional off-site parking spaces (see Attachment 4).

18-1087**Agenda Date:** 12/12/2018

Therefore, based on parking analysis and proposed agreement, the proposed project will help in alleviating the parking deficiency for the site uses.

USE	AREA	PARKING RATIO	PARKING REQUIRED
904 Caribbean			
General Industrial	75,193	2 per 1,000 square feet	151
908 Caribbean			
General Industrial	55,862	2 per 1,000 square feet	112
Warehouse	14,538	1 per 1,000 square feet	15
Total Required parking			278
Existing Parking			259
Parking Agreement with Twin Creek Sports Complex			25
Total Proposed			284

Public Contact

As of the date of staff report preparation, staff has received no comments from the neighbors.

Notice of Public Hearing :

- Posted on the site
- 17 notices mailed to property owners and residents within 300 feet of the project site
- Posted on the City's official notice bulletin board.

Staff Report/Agenda:

- Posted on the City of Sunnyvale's Web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

Environmental Determination

The project being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 as it involves negligible expansion of use beyond that existing at the time of the application.

FINDINGS

In order to approve the Special Development Permit, the following findings must be made:

1. Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; ***Finding met.***

POLICY LT-13.9: Maintain areas of Class B and C buildings to support all types of businesses and provide a complete community.

18-1087Agenda Date: 12/12/2018

Moffett Park Specific Plan (MPSP) Design Plan

5. *Loading areas and service yards should be located to the rear of the site and completely screened from view.*
6. *Service areas for trash bins, utility cabinets, transformers, etc. should be planned and designed as an integral part of the site.*

The proposed canopy helps in improving and maintaining the trash and recycling facility on the site, per the City's Design Guidelines for Solid Waste and Recycling Facilities.

2. Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. ***Finding met.***

The proposed project is desirable and will not impair orderly development or existing uses. The proposed canopy over the trash and recycling area will not have an adverse visual impact as it is located away from the main street and neighboring properties. The project will not generate additional parking. As conditioned, the project will help alleviate parking issues on the site.

ALTERNATIVES

1. Approve the Special Development Permit with recommended Conditions in Attachment 2.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment 2.

Prepared by: Aastha Vashist, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Standard Requirements and Recommended Conditions of Approval
4. Site and Architectural Plans
5. Letter from the Applicant



City of Sunnyvale

Meeting Minutes

Zoning Administrator Hearing

Wednesday, October 10, 2018

3:00 PM

West Conference Room, City Hall, 456 W.
Olive Ave., Sunnyvale, CA 94086

CALL TO ORDER

Gerri Caruso, Zoning Administrator, called the meeting to order at 3:03 p.m.

PUBLIC HEARINGS

File #: 2018-7519

Location: 1025 The Dalles (APN: 320-11-010)

Applicant / Owner: Sunny Chinese Learning Center (applicant) / St Luke Lutheran Church Of Sunnyvale Ca (owner)

Proposed Project:

USE PERMIT to allow modification to a previously approved Use Permit (2012-7479 - Condition of Approval AT-1 and AT-7) to allow extended hours of operation (11:30 AM - 6:30 PM during school days and 8:30 AM-6:30 PM when students are on break) and outdoor play areas for the after-school educational enrichment facility, which now is considered a daycare use.

Reason for Permit: A Use Permit is required to amend a condition of approval (that is considered a major change) of an approved educational enrichment/daycare use in a PF (Public Facility) zoning district.

Project Planner: Shétal Divatia, Planner, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Issues: Neighborhood Impact

Recommendation: Approve with conditions (Conditions of Approval in Attachment 2)

Ms. Caruso inquired with Shetal Divatia, project planner, had any comments or changes to the staff report.

Mrs. Divatia stated an addition to the 'Background' section of the staff report should include the additional hours of 5 p.m. to 5: 45 p.m. for the Youth Program that is held outdoors every Thursday.

Ms. Caruso opened the hearing to the applicants.

Lucy Liu, applicant, stated her concern with her organization being categorized as a

daycare center based on city code and would prefer it be called as an educational enrichment center.

Ms. Caruso inquired about the nature of the children's activities at the center.

Ms. Liu stated the children are taught Chinese language and culture.

Ms. Divatia stated the extended hours in which the children stay at the center are like those of a childcare in nature, thus the categorization is labeled as such under city code however the county still calls the center a heritage school.

Ms. Caruso inquired if the applicant would still need a use permit if the categorization stayed the same.

Mrs. Divatia stated they applicant would still require the use permit and there would be no difference otherwise.

Ms. Liu stated she would still prefer to be called an enrichment center due to the subject matter being taught.

Michael Colligan, Vice President of Saint Luke Lutheran Church, stated the school is registered and advertised as a heritage school and should reflect the same in the categorization.

Ms. Caruso stated the city code does not have the distinction of a heritage school, but the county and state does include it. Staff has reviewed the project under the city's definition for application of a use permit but the applicants can advertise as a heritage school. Currently, there is no city code listing for a heritage school distinction.

Ms. Divatia stated the staff report has noted the categorization of the heritage school in attachment 4.

Ms. Caruso inquired if the applicants have seen and read the conditions.

Mr. Colligan stated they have read the report.

Bob McKee, pastor of the church, inquired about placement of the wall.

Ms. Divatia stated the wall will be placed along the entire north property line. This determination includes results from the noise analysis, the concern from car noise during drop-off and pick-up during the extended hours during non-school days, and general increased use of the parking lot.

Pastor McKee inquired if neighbors do not want a wall, can the requirement of a wall be removed.

Ms. Caruso stated that if the consensus is towards not requiring the wall, she would take that into consideration and review the noise analysis report again. The noise ordinance should be met but here may be a different type of wall that could be used, but the masonry wall was suggested for its effectiveness in noise attenuation. Ms. Caruso stated she would like to hear from the neighbors first before making a final decision.

Mr. Colligan stated neighbors may not be happy with a masonry wall as the current fences open into the church property. He would like to further address the noise report and suggested a counter offer to extend the fence height around the entire north property line surrounding the Sunny Chinese outdoor activity area.

Ms. Caruso stated the description mentioned school activities would take place outside of the fenced area but understands why the fence was suggested.

Stan Shelly, the noise report author, stated he understands the intent of noise disturbance prevention. The city's requirement of a wall is unnecessary since it does not take into account that noise levels will not exceed the city's limit.

Ms. Caruso opened the hearing to members of the public.

Melita Chow, neighbor, stated she owns a property right next to the church property and inquired who suggested the new wall.

Ms. Caruso stated city staff recommended the wall be required once the project gets approved.

Ms. Chow inquired how long it would take to put up the wall.

Ms. Caruso stated the masonry wall will be hand built, and she estimated the wall would be built within one to two weeks. The old fence may be removed, based on

neighbor preference.

Ms. Chow stated she does not mind the noise from children and can deal with noise from traffic but would rather not have a solid wall since she would lose her view.

Ms. Caruso inquired if a different type of wall at 8-feet in height would change her mind.

Ms. Chow requested that if a wall is required, there should be natural looking alternatives outside a one made of masonry. She noted she noticed there is noise past the hours of operation, but she does not mind the noise of children playing and the masonry wall is unnecessary.

Janet O'Rourke, stated she lives along the north side of the church property. She and her husband purposefully looked for a house in a quiet neighborhood. Mrs. O'Rourke stated she and her husband have had problems with the Sunny Chinese school since its inception. After speaking with the school owners and church, there have been no long term effective noise mitigation measures. Even though they have acknowledged the problem, the noise levels return back to normal after a few weeks. Neighborhood Preservation has been involved three times over the past few years. In 2014, a Neighborhood Preservation Specialist visited the site and stated the center was in violation of their permit. In 2015, the specialist spoke with the center again and mailed a compliance letter and issued a citation for the violation. This past June, the specialist visited the site again and advised the center of their violations and conducted weekly follow up investigations and issued a total of three violations.

Since the center did not adhere to the conditions for approval in the past, Mrs. O'Rourke does not believe they will follow any of the current conditions of approval. When the center got approval in the past, they put in a play structure where children can see into her backyard. As such, she is against the request for extended hours. With regards to the recommended wall, Mrs. O'Rourke does not want it and prefers her redwood fence. If a wall is necessary, it should be placed around the center's fenced play area instead.

Glynis Price, neighbor, stated her house is located against the fire lane on the westward side of the church near the Amazing Creations preschool. When she was at a previous hearing in 2012, there was discussion of outside play and at the time the commissioner took into consideration the neighbors were already dealing with

noise of outside play with the daycare thus the Sunny Chinese learning center was told they could not allow for outside play.

Ms. Price also stated that at the same time the permit was approved, the play areas were built and the children play soccer in the afternoons and do outside activities at the picnic tables, with pictures shown to the Zoning Administrator. Ms. Price does not believe the center will not observe the permit requirements since they have not done so for the last six years. Ms. Price stated she worked with the church to get them to work with the businesses on site, with plans to let a limited number of children outside. This plan is similar to the request currently, and since the center did not honor it before, she does not believe the center will honor it now. Within the last few months, the Amazing Creations preschool just recently doubled the size of the play area backing up against the fire line. The play structures are so tall they can look over into the backyard. As a result, the play area for the preschool affects many more areas of the neighborhood. The center now also will be playing outside. Just a week ago, there were many kids outside playing when they are not supposed to be outside.

This permit should be in the context of the whole property and how it affects the neighborhood and whether or not it is compatible. While Ms. Price does not know if the expansion of the outdoor play area of the preschool was a permit modification but it did affect the neighborhood.

Dr. Christopher Oliva, neighbor, stated he appeared for the past related hearing in 2012 and expressed his concern that you can't expect to have 45 kids in two portable units and not expect them to go or be outside. As a business man, he complies with his use permits and does not violate them intentionally. Dr. Oliva stated the applicant has violated the use permits consistently since 2012. Now neighbors are being asked to accept another use permit for a program that has already been going on. The applicants have been cited multiple times, and are offering after school care and a camp in the summer in violation of the use permit. There is a pattern where this business is not complying with the regulations. The center should apply for a school accreditation if it is indeed a school, however this business is essentially a daycare center where kids are being dropped off after school. There is already a daycare center on the church property and there is at least one other daycare provider within 2 blocks from the site. This is not compatible with neighborhood. Dr. Oliva questions why businesses coming to this area and why is the neighborhood expected to absorb the increase in traffic, noise, inconvenience, lowered quality of life and property value. While he understands the

efforts of the church, the current developments are just too much. He and his wife moved next to a church and not next to a block of businesses.

Ms. Caruso closed the hearing to the public.

Ms. Caruso inquired with the applicants if they have a response.

Mr. Colligan stated Saint Luke has a lot of space and felt it important to offer these spaces to children to learn about their cultures and language. Considering the amount of land the church has and the number of operating businesses, he does not think it an excessive amount. The traffic in the neighborhood is mostly from the middle school nearby. The church grounds do not have walls, and neighbors are welcome on the property. The church is interested in a noise mitigation program that makes a beneficial situation for everyone. The church wants to extend the use of the campus in a way that is mutually beneficial but there has to be a mutually agreeable situation in terms of noise level. The noise report has been completed and shown to be within city ordinance levels. The church is willing to mitigate the noise levels further by utilizing alterative methods, so the noise will be limited to their own areas of activity.

Mr. Colligan recalled his attendance at the 2012 hearing and stated there was a misunderstanding in terms of outdoor activities including the educational elements of the curriculum being performed outside as opposed to children taking short breaks. A change in the use permit would be required to continue outside recess activities and that is why the church and the applicant are here today.

Stan Shelly stated improving the walls around the play areas would be more effective for noise mitigation, since the masonry wall would not be any more affective than an double wood fence. He recommended to extend the existing wall to 8 feed to reduce the noise transmission. The wall should be modified it to have two layers of wood with no cracks between the boards, for this kind of noise, a wood wall would be better and easier to construct.

Ms. Caruso inquired with the applicant about the preschool and why the expansion occurred.

Bob McKee stated the preschool wanted a better space for the kids. The school has spoken to the fire department and the enrollment has not increased. The preschool instructor stated the kids cannot look into the neighbor's backyards.

Ms. Liu stated the children are only taking a break anywhere between 10 to 30 minutes. The center tries to let the kids out during times when she thinks neighbors are not around and does not allow the kids to be out for long periods of time since the focus would be on studies.

Hong Zhang, a teacher at the Sunny Chinese Center, stated the elementary school kids are ages 5 to 9. Since the children go to school in the day, by the time they get to the center, they are already tired. The center lets them have recess and break times for fresh air. The kids did not perform well if they spent the entire time inside. The play structures are for an interesting play experience. The older children understand the situation however there are times where they get loud. They are reminded often to stay quiet when they are outside.

Ms. Caruso closed the hearing.

Ms. Caruso stated she understood where the church is coming from and the city has limited space for people to operate a legal childcare facility. At the same time the city has a responsibility to other property owners and neighbors to make sure they still feel they live in a residential area and that they can enjoy their homes.

Ms. Caruso will take the item under advisement to explore the past violations and revisit the noise standards and what the city is asking the applicant to do. Regardless of the fence, this will not address the disturbance to the neighbors. Between the hearing date and Friday, Mrs. Divatia will be working with Ms. Caruso for any questions she may have. Ms. Caruso sympathizes with the neighbors and will take all the statements into advisement and balance the information to determine a decision.

On October 12, 2018, the Zoning Administrator has determined the following:

ACTION: Denied the proposed project because the proposed expansion of the learning center use was not compatible within the immediate neighborhood.

REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN

File #: 2018-7376

Location: 755 S. Bernardo Ave. (APN:198-16-006)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT: To allow for the operation of a

6,920 square foot child care center within an existing one-story office building and installation of associated site improvements on a 0.87-acre parcel.

Applicant / Owner: JY International Group, Inc. / Atul S And Kusum A Sheth Trustee

Environmental Review: Class 1(a) Categorical Exemption from the California Environmental Quality Act (CEQA)

Staff Contact: Cindy Hom, 408-730-7411, chom@sunnyvale.ca.gov

This item was continued to a date uncertain.

ADJOURNMENT

Ms. Caruso adjourned the hearing at 3:57 p.m.

To: City of Sunnyvale Planning Commission

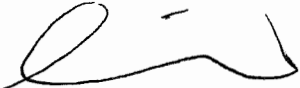
From: Sunny Chinese Learning Center

Date: October 26, 2018

Subject: Appeal – 2018-7519 1025 The Dalles

To whom it may concern,

We disagree with the decision to deny the Use Permit. The determination was not based on substantial evidence in the record. Details to follow by separate letter later.

A handwritten signature in black ink, appearing to be 'H Liu', written over the word 'Regards,'.

Regards,

H Liu

Sunny Chinese Learning Center
1025 The Dalles Ave.
Sunnyvale, CA 94087

Shétal Divatia
Planning Department
City of Sunnyvale
sdivatia@sunnyvale.ca.gov

Via: Email

January 23, 2019

Re: Revised Project Description for Sunny Chinese Learning Center Use Permit Application - 1025 The Dalles, St Luke Lutheran Church of Sunnyvale

Dear Ms. Divatia:

Following our use permit hearing on October 10, 2018 and our meetings with the neighbors on November 17th and January 16th regarding our above-referenced application, we have heard the concerns of our neighbors and we have revised our proposal accordingly to address them. In short, we propose to further restrict our hours of operation and time periods for outdoor play and will require that our teachers monitor and enforce outdoor noise levels so they do not exceed city noise standards.

Below is a chart summarizing our existing approved use in the far left-hand column, our previously proposed changes to that use in the middle column that was considered at the October 10th public hearing, and our revised proposal attempting to address your concerns in the far right hand column. Note that in this revised proposal, we are requesting that condition BP-5 of our original 2012 use permit to plant a screening hedge at the north property line be eliminated, and that this change was supported by the neighbors we met with.

We request that these changes to our project description to address our neighbors' concerns be summarized in your staff report to the Planning Commission and that the project as revised, be considered and acted on by the Planning Commission at the appeal hearing scheduled for March 11, 2019. To date, our revised proposal has support from three surrounding neighbors as evidenced in the emails and letters we have forwarded to you. While we reached out to the one neighbor that objected to our proposal at the Zoning Administrator hearing, they unfortunately have not responded to our efforts to meet with them.

	Existing Allowed Use per 2012 Use Permit	Previous Proposal Considered 10/2018	Current Revised Proposal
Hours of operation	3:30pm – 7:00pm M-F	11:30am -6:30pm M-F when school is in session 8:30am -6:30pm during school holidays and breaks	<p>The center will closed on President's Day, Memorial Day, Labor Day and Thanksgiving Day and the week between Christmas and New Year's Day and the week of July 4th.</p> <p>Center hours when the Sunnyvale and Cupertino School Districts are in session is after students are released from school per the Districts' bell schedules. Currently the center hours when school is in session are as follows*:</p> <ul style="list-style-type: none"> • M/W/Th: 2:25pm -6:30pm • Tues: 1:45pm -6:30pm • Friday: 1:00pm – 6:30pm <p>*Note that should the Districts' bell schedules change, the above hours shall be adjusted accordingly to accommodate District students after school.</p> <p>Exceptions to above hours:</p> <ul style="list-style-type: none"> • During first 6 weeks of school year a maximum of 25 kindergartners will arrive at 11:55am M-F • On early dismissal days (typically one per month) students will arrive at 11:55am <p>School breaks (including non-major holidays and summer break):</p> <ul style="list-style-type: none"> • M-F 8:30am -6:30pm • Morning enrollment limited to 50 students
Outdoor activity	Not allowed	Allow outdoor activity in four 30-minute periods for a total of 2 hours per day.	Same restrictions as previously proposed except that all outdoor activity periods (30-minutes each) may only occur between 3:30-5:00pm in the fenced area. During

	Existing Allowed Use per 2012 Use Permit	Previous Proposal Considered 10/2018	Current Revised Proposal
Outdoor activity - continuted		Each 30-minute period will have a maximum of 24 children supervised by at least one teacher. (12 kids in each group with 2 groups at a time)	summer break (only), outdoor play will also be allowed between 10:30am-11:30am. Children will not be allowed to play outdoors after they are picked up by their parents. Teachers will strictly enforce this requirement.
Noise mitigation	Prohibition on outdoor use (see above)	8 ft. high masonry wall at north of church property bordering six single family homes, as recommended by staff Limit outdoor play only to the fenced in 2,875 sf area Plant 6-foot tall hedge at north property line	Same restrictions as previously proposed except: <ul style="list-style-type: none"> • additional outdoor time restrictions stated above; • no masonry wall which neighbors opposed; • a noise level monitor will be placed in the play area so teachers can ensure noise does not exceed city noise standards either by quieting children down or bringing them inside; and • no hedge will planted at the north property line (per condition BP-5 of our original 2012 use permit)

We look forward to presenting our revised proposal to the Planning Commission at the appeal hearing. Should you have any questions or concerns in the meantime, please contact me at 408-598-7060 or lucyliu12@yahoo.com.

Sincerely,



Lucy Liu

ROBERT J. LANZONE
JEAN B. SAVAREE
GREGORY J. RUBENS
CAMAS J. STEINMETZ
KAI RUESS
KIMBERLY L. CHU

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MELVIN E. COHN
(1917-2014)

Of Counsel:
JOAN A. BORGER

March 1, 2019

Planning Commission Members
City of Sunnyvale
c/o Shétal Divatia, Project Planner

Via: Email

Re: **File # 2018-7519 -- Sunny Chinese Learning Center Use Permit Application -
1025 The Dalles, St Luke Lutheran Church of Sunnyvale (APN 320-11-010)**

Dear Planning Commission Members:

This law firm represents the Sunny Chinese Learning Center ("Learning Center") in its appeal of the Zoning Administrator's October 12, 2018 denial of the Learning Center's application to modify its current Use Permit (File #2012-7479) to expand its hours of operation and allow for outdoor play. We respectfully request that you grant our appeal at your March 11th meeting on the grounds that, as recommended in the staff report to the Zoning Administrator dated October 10, 2018, and as further explained below, the required findings of approval for the Use Permit modification can and should be made. This is even more evident in light of the recent changes my client has made to its application since filing its appeal to address certain neighbors' concerns.

A. Proposal Driven by Community Need -- Parents Need Extended Hours; Children Need Outdoor Play

The Learning Center has been located on the St. Luke Lutheran Church of Sunnyvale campus since August of 2012 when its Use Permit (2012-7479) was first approved. The Learning Center serves K-6th grade children of all racial, religious and ethnic backgrounds. As stated on its website, the Learning Center is "dedicated to provide a safe, supportive and enriched learning environment where students are challenged to acquire the knowledge, skills, and qualities for success now and in the future." It is "also committed to assure learning experiences that will

assist... students to achieve their greatest potential and creativity abilities, to adapt to their bi-cultural environment.” Curriculum includes, Chinese Language and Culture, Math Enrichment Practice, English Phonics, Reading, Writing, Chinese Chess / Chess Club, Homework Tutoring, Chinese Calligraphy, Chinese Drawing and Arts, Chinese Kong Fu, and Crafts, Songs, Music, Movement.

Conditions imposed on the Use Permit limited the hours of operation to 3:30-7:00PM on weekdays (AT-1) and required “all instruction and activity to occur indoors” (AT-7). The Learning Center is proposing that the hours be extended to accommodate needed care after school and during school holiday and breaks in accordance with the public school schedule, and to allow for limited periods of outdoor play that children require to develop.

The current hours of the Learning Center do not accommodate the public school bell schedule which includes minimum days and staff development days, and does not allow for care during school holidays and breaks. According to the enclosed data gathered by Santa Clara County Office of Education, child care is only available for 25% of school aged children that need child care in Santa Clara County, meaning that child care is unavailable for 75% of children that need it. These are staggering numbers which the Learning Center’s requested extended hours would help to address.

The Learning Center is currently required by its use permit to contain all instruction and activity indoors. However, experts agree that it is unhealthy to keep children indoors for extended periods of time. As explained in the enclosed article, outdoor play is critical to children’s growth and development. Yet opportunities for outdoor play are increasingly diminishing in a world that is becoming increasingly sedentary and disconnected from the outdoors. The Learning Center is proposing that outdoor play be allowed in the fenced area for limited 30-minute periods for no more than 24 children per period between the hours of 3:30-5:00pm, and during summer break, between 10:30-11:30am.

B. Only One of Two Findings Required for Approval

Pursuant to Section 19.88.050 of the City’s Zoning Ordinance, approval of the Learning Center’s requested Use Permit application requires only one of the following two findings of approval -- that the permit will either:

1. Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

2. Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

C. Both Findings of Approval are Met

As concluded in the staff report to the Zoning Administrator, the proposed Use Permit meets both of the above findings:

1. Finding 1: Project Attains the Purposes and Objectives of the General Plan

The permit will attain all of the following 10 General Plan purposes, objectives and policies, only the last of which is mentioned in the staff report to the Zoning Administrator, and none of which are addressed in the Action Letter issued by the Zoning Administrator (emphasis added):

- a. *Land Use and Transportation Guiding Principle- Special and Unique Land Uses:* Allow for land uses such as **child care**, nursing homes, and places of worship that complete the community fabric.
- b. *Land Use and Transportation Policy LT-6.4:* Allow compatible and supporting uses such as group homes, places of assembly, community centers, recreational centers, and **child-care centers** in residential neighborhoods (including single-family neighborhoods) subject to review and consideration of operations, traffic, parking, and architecture.
- c. *Land Use and Transportation Policy LT-14.12:* Recognize **child care** and places of assembly as essential services and land uses that support the diverse needs of the community. Avoid locating these sensitive uses near hazardous materials, noise, dust, etc.
- d. *Land Use and Transportation Policy LT-14.9:* Support the provision of a full spectrum of public and quasi-public services (e.g., parks, **day care**, group living, recreation centers, religious institutions, schools, hospitals, large medical clinics) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure they do not have a negative effect on the surrounding area.
- e. *Land Use and Transportation Policy LT-14.10:* Encourage multiple uses of public and quasi-public facilities (e.g., religious institutions, schools, social organizations, **day care**), such as community events, **after-school programs**, and festivals.

- f. *Community Character Policy CC-10.2*: Provide **school-aged youth-oriented** recreation and **enrichment programs** and services during non-school hours. (Previously Open Space and Recreation Policy 2.2.B.2)
- g. *Community Character Policy CC-10.5*: Develop and implement programs in order to meet the developmental and social needs of specific targeted populations (e.g., **youth**, teens, seniors, disabled). (Previously Policy 2.2.B.5.)
- h. *Citywide Vision Goal V - Diverse Population*: To celebrate the **diversity** of the population and to provide equal opportunity for all residents to participate fully in community life
- i. *Citywide Vision Goal VII - Quality Education*: To support and work cooperatively with the educational institutions which serve Sunnyvale so as to provide the opportunity for a **quality education** for all youth, and life-long learning for all residents.
- j. *Land Use and Transportation Element Policy LT-5.2b*: Support a full spectrum of conveniently located commercial, public, and **quasi-public uses** that support and enhance the livability of residential neighborhoods.

2. Finding 2: The Project Ensures that the Use will not Impair the Orderly Development or Existing Uses of Adjacent Property

As stated in the staff report to the Zoning Administrator, “[t]he proposed use, as conditioned, is compatible with existing uses on-site and residential uses in the neighborhood.” As explained below, the Learning Center’s request to expand its hours and allow for limited outdoor play will not impair the orderly development or the existing uses of the adjacent property.

The Learning Center is an existing use that has operated at its current location for almost seven years now. It is located within an existing church campus with a multitude of other permitted uses occurring at any given time of day. The Learning Center is not requesting any increase in enrollment that would generate additional traffic or other impacts in the neighborhood.

Outdoor activities already occur on the campus by other tenants of the church including by Saint Luke Youth Program, Vacation Bible School, Amazing Creations Preschool, and the Boy Scouts. Therefore, permitting outdoor play by the Learning Center would not be introducing noise or a new use to the church campus that the adjacent residential neighborhood is not already accustomed to.

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Moreover, as documented by the noise study, the proposed extended hours and outdoor play will “meet the City noise ordinance limitations and would not produce any significant noise disturbance in the vicinity of the site.” The “highest backyard noise levels from kids play would be in the range of 45 to 48 dBA, significantly below the 60 dBA City daytime noise limits, and would not be noticeable with existing daytime noise levels...”

Furthermore, as explained below, in response to neighbors’ concerns, since filing its appeal the Learning Center has agreed to further restrict its originally proposed extended hours and outdoor play times. This revised proposal is supported by adjacent neighbors of the project. Therefore, the ability to make this second finding of approval is even more undeniable.

D. Zoning Administrator’s Denial Was Improper Because it Failed to Address Either Finding of Approval

The Zoning Administrator failed to address either of the above two findings (only one of which is required for approval) or explain why these findings could not be met. Instead, the Zoning Administrator based her decision on the fact that the Center had already begun to operate with extended hours and outdoor play, in contradiction to the terms of the original use permit. This is not a valid basis for denial as it is unrelated to either of the required conditions of approval. As such, the Zoning Administrator did not make the required findings to deny the permit. Even if proper denial findings had been made, as explained above, the evidence in the record would not have supported them.

A. Modifications Addressing Neighbor Concerns Further Supports Finding of Approval

Following the use permit hearing on October 10, 2018, my client reached out to and met with surrounding neighbors on November 17th and January 16th. The Learning Center heard the concerns of its neighbors expressed at these meetings and has revised its proposal accordingly to address them. In short, they propose to further restrict the hours of operation and the time periods for outdoor play and will require that its teachers monitor and enforce outdoor noise levels so they do not exceed City noise standards. These changes are explained in detail in the letter to Shétal Divatia dated January 23rd, 2019 (which should be included in your packet). To date, the revised proposal has support from three surrounding neighbors as evidenced in the

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emails and letters that also should be included in your packet.¹ This is further evidence that finding of approval no. 1 can and should be made.

For the foregoing reasons, we respectfully request that you grant the Learning Center's appeal and approve its Use Permit modification application.

Very truly yours,



CAMAS J. STEINMETZ

¹ While my client made repeated efforts to reach out to the one neighbor that objected to our proposal at the Zoning Administrator hearing, this neighbor unfortunately has not responded to my client's efforts to meet with them.

JUNE 2018



SANTA CLARA COUNTY 2018 CHILD CARE NEEDS ASSESSMENT



SUPPLEMENTAL

HIGHLIGHTS

- Three-quarters or more of school-aged children and infants/toddlers in Santa Clara County are in need of yet without full-time child care
- Countywide, there are 14,000 more slots available to children ages 3-4 years with working parents than there are children who require care
- Licensed and license-exempt center-based providers in Santa Clara County have the capacity to serve 42% of children ages 0-12 years that require child care
- Unmet need for infant/toddler care exists in every major city in Santa Clara County, from 47 children in Alviso to over 20,000 children in San Jose
- Gilroy, Morgan Hill, and San Martin are the only major cities in Santa Clara County where the number of children who require care is greater than the number of child care slots

UNMET NEED FOR FULL-TIME CARE AMONG CHILDREN IN WORKING FAMILIES BY AGE GROUP

A more detailed summary of the data used to calculate unmet need for full-time care among children with both parents in the workforce is provided in Table 29. Combined, there are enough child care slots to meet the need for 42% of children ages 0-12 years in Santa Clara County. Over 80% of children ages 0-2 years with one (for single-parent families) or both (for two-parent families) parents in the workforce are in need of full-time child care.

TABLE 29. SUMMARY OF DEMAND, SUPPLY AND UNMET NEED FOR FULL-TIME CARE AMONG CHILDREN IN WORKING FAMILIES (2016/17)

Age Group	Demand		Supply (No. of Slots)				Need	
	No. of Children	No. in Working Families	Licensed Centers	FCCHs	LECs	Total	Surplus or Shortage	Pct. of Need Met
0-2 Years	71,454	39,287	3,656	3,472	280	7,408	-31,879	19%
3 & 4 Years	50,302	29,566	36,989	6,304	485	43,778	+14,212	148%
5-12 Years	192,306	128,887	10,020	4,344	17,605	31,969	-96,918	25%
Total	314,062	197,740	50,665	14,120	18,370	83,155	-114,585	42%

Notes: Counts under supply reflect desired capacity of licensed centers, family child care homes, and license-exempt centers. Additional details on these data are provided in the previous sections.

Sources: **Demand** – American Institutes for Research, 2016; **Supply** – Community Child Care Council of Santa Clara County, December 31, 2017



Rostrum

The importance of outdoor play for young children's healthy development

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ABSTRACT

Changes in current societies are affecting childhood experiences. Time for outdoor play is diminishing, contributing to more sedentary lifestyles, disconnected from the natural world. Recognizing the importance of outdoor play for young children's healthy growth, a project focused on the exploration of the outdoor environment was developed with a group of young children in an early childhood education setting in Portugal. The project aimed to transform educational practices, moving from frequent indoor activities to a regular use of the outdoor environment. In this paper, we present the main dimensions related to outdoor play that emerged during the project (contact with natural elements, importance of risk, socialization opportunities) and highlight the role of professionals and families in creating quality outdoor play opportunities.

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Introduction

The importance of play for children's healthy development is grounded in a strong body of research.^{1–3} As a natural and compelling activity, play promotes cognitive, physical, social, and emotional well-being, offering the necessary conditions for children to thrive and learn. Through play, the child can experiment, solve problems, think creatively, cooperate with others, etc., gaining a deeper knowledge about his/herself and the world. From an early age, the possibility to experience several opportunities for unstructured play, in which the child can decide what to do, with whom and how, promotes positive self-esteem, autonomy, and confidence.

Acknowledging the influence of time and space in play experiences, in this article we address the special contribution of the outdoor environment to fulfil children's needs for free play, reporting into an outdoor educational project developed with a group of 14 children, between 15 and 36 months old, in a Portuguese early childhood setting. The work presented aims to identify important dimensions of outdoor play that contribute to effective learning and healthy development, and highlight the role of professionals

and families in the provision of such experiences in early childhood education settings.

Outdoor play in current society and education settings

The specific features and stimulus of the outdoor environment provide for different play opportunities that can hardly be replicated inside.⁴ The outdoors can be described as an open and constantly changing environment, where it is possible to experience freedom, gross and boisterous movements, and contact with natural elements.⁵ While playing outside, children benefit from being exposed to sunlight, natural elements, and open air, which contributes to bones development, stronger immune system and physical activity.^{6,7} The need to be physically active from an early age is particularly relevant if we consider the concerning growth of children's obesity and overweight. According to the World Health Organization,^{8,9} Portugal is the second European country with the highest values of overweight among children with 11 years old (32%), being preceded by Greece (33%) and proceeded by Ireland (30%). Also, play in green outdoor environments promotes higher levels of attention and well-being.^{10–12}

However, the growing evidences about the importance of outdoor play does not seem to have an impact in the type of experiences that children have access to. Contrary to what would be expected, opportunities for outdoor play are diminishing, in consequence of globalization, technology expansion and urban growth.¹³

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A growing culture of fear about the possible accidents that might happen affect parent's and professionals attitude towards outdoor play, so children tend to be kept inside, occupied with structured activities, and controlled by adults.^{3,14,15} Possible hazards, interactions with strangers and car traffic are the most frequent factors mentioned by parents for not letting their children play outside, even though they acknowledge the importance of such experiences.^{13,16} According to Gill,¹⁴ these fears are often brought by misinterpretations of reality, without having a real expression in society. For example, the fear about child's abduction is not linked to an increase in these type of crimes, although a greater emphasis is given to these situations by social media.

Adding to this, there is a concern to occupy children during the day, considering that most parents work long hours and want to guarantee the best opportunities for children to acquire different skills and knowledge. Academic activities and sports often occupy children's time to play freely. Going from one activity to another, children tend to be transported by car, without experiencing the outdoor environment through the interaction with the community.^{17,18}

In this scenario, there is a need to raise general awareness regarding children's right to play outdoors, as well as its potential in supporting children's well-being, learning and development. Acknowledging the time children spend in educational settings, concerns about the time and space to play outside should be integrated in education planning and intervention, starting in day-care and kindergarten. In Portugal, research shows that early childhood education is too centred in what happens inside the activity room, wrongly considering that the outdoor environment serves merely as recess time, during which children can stretch their legs and expend their energy.^{19–23} A recent study focused on the use of outdoor spaces in four Portuguese kindergartens showed that the number of times children go outside is very reduced, especially in the winter months. Children tend to spend long periods in closed environments, more exposed to disease contamination and saturated air.²⁴ Also, the time spent outside was often insufficient, varying between 16 and 30 min. This is a very short period for children to take advantage of the benefits related to outdoor play, being recommended a minimum of 40 min, per day.⁷

The outdoor education project

With the desire of offering a different educational response to young children and acknowledging the importance of the outdoors for learning and development, a Portuguese early childhood a Portuguese early childhood centre took the initiative of implementing an innovative outdoor education project, going against the tendency of keeping children inside. During a period of three years, the setting located in a rural area in the centre of Portugal, catering for children from 4 months to 10 years of age (from 6 to 10 years old children attend an after school service), introduced gradual changes in pedagogical practices, in order to create quality outdoor play opportunities for children.

Despite having a large and well equipped outdoor area, with natural elements and different type of structures to promote play, in the beginning of the project the children did not use the outdoors regularly. The professionals perceived the indoor environment has being more secure and comfortable, so they avoided going outside for long periods. They were also afraid about possible accidents or diseases that might affected children, fearing for negative reactions from the families.

To overcome these obstacles, a methodology close to action-research was adopted to facilitate practices' transformation, which included teachers' training in outdoor play, regular team meetings and observations of children's play. In this way, problems that

emerged were interpreted as mile stones in the process of improving educational practice and specific strategies were experimented to achieve a solution.

This outdoor project directly involved all the early childhood teachers of the institution (5 women) and, indirectly, the board of the setting, other professionals, families, community members and, of course, the children. In this paper, the experience of one of the groups, with 14 children between 15 and 36 months old will be shared.

Through qualitative data collection techniques, such as observations, written records, videos and photographs focused on children's outdoor play, three dimensions were identified as key to promote learning and development: contact with natural elements; importance of risk; socialization opportunities. The analysis of each dimension will take in consideration current international literature. Also, these three components of outdoor play can only be fully developed if children are accompanied by attentive and responsive adults, concerned with their needs and interests.^{25,26} The role of professionals and families in this project is also presented, considering that cooperation between adults is an important aspect for the success of outdoor play experiences.

Promoting learning and development outside

Contact with natural elements

The outdoor environment offers unique stimulus that capture children's attention and interest. Sticks, rocks, flowers, soil, water, etc., are explored with curiosity and drive to learn, as they offer countless possibilities for play. As White²⁷ states, natural elements are open-ended materials, that can respond to children's imagination and needs. In this process of reinvention and assigning new meaning to objects (e.g. a stick can be a gun, a boat or a pen), it is possible to mobilize skills related to divergent thinking, creativity, problem solving, among others. The use of natural elements in children's play also creates a more sustainable strategy in what concerns resources provision. Natural elements are easy to find, cheap and they do not offer the limited options that commercial toys do.²⁸

The exploration of natural elements is also important to capture children's attention to the richness and diversity of Nature. The sense of discovery and fascination influences meaningful learning and allows for the development of an emotional connection towards the environment. If we assume that attitudes of respect and care are more likely to emerge regarding something that is dear to us, than it is crucial to promote a sense of belonging and familiarity towards Nature from an early age to facilitate ecological and sustainable behaviours along life.

Through outdoor play and the exploration of natural elements, it is possible to promote education in its broadest sense. Activities related to playing with soil and water can serve as examples of learning opportunities in which concepts related to mathematics, science or language were promoted in an integrated way. As children filled and emptied containers, several times, they could explore notions related to weight, volume and time, and as they talked about what they were experiencing, new vocabulary was being acquired. Similar findings were found in other researches, showing, for example, children's ability to learn and employ mathematical products and procedures during outdoor play, using their body as a learning tool.^{29,30}

It what concerns health, the interaction with natural elements such as the soil helps build immunity. Growing research has been showing the importance of experiences that promote the contact with "harmless microbes", that provide protection against diseases.³¹ Among the group we worked with, some children had respiratory and skin problems (e.g. asthma and eczemas), and going

outside often helped them deal with periods of aggravated symptoms.

Importance of risk

Today's society often neglects the importance of risk for children's learning and development. A culture of fear lead us to underestimate what children are capable to do, creating an even more "dangerous" learning environment, where children do not have the possibility to learn, by experience, how to stay safe.^{14,32} It is essential to adopt a wider vision of risk, going beyond the possibility of accidents to consider the positive implications related to the feelings of success and happiness when a challenge or a new skill is mastered.^{33,34}

In the outdoor environment, opportunities to exceed personal limits often emerge in situations like climbing up a tree or using a tool. In risky play, the adult should interpret the signs of the child, giving the necessary support or space that he or she needs. From our experience and following other studies in this area, it is possible to state that risky play promotes important skills related to persistence, entrepreneurship, self-knowledge and problem solving.^{35,36}

During outdoor play, children should have the opportunity to experiment moments of failure and success, learning by trial and error. If we try to prevent all risky situations, children will not know how to deal with unpredictable environments and will lack the necessary confidence to overcome challenges in an autonomous way. During the project, we had different situations in which risk emerge, for example when wild mushrooms appeared in the garden, after a period of rain, and children were interested by that phenomena. In that situation, we could either prohibit the exploration or help children understand what was happening in the safest way possible. Choosing the second option, we told the children that it was very dangerous to eat the mushrooms and we gave them some tools to facilitate observation (e.g. magnifying glass and clamps). We always remain close to them, helping, and answering to the questions that emerged. If we had avoid going out because of the mushrooms or if we had ignored that situation, an important learning opportunity would have been missed.

Socialization opportunities

The environment created outside can offer interesting conditions for children and adults to show different aspects of their personality, which normally do not emerge during the time indoors. Following the findings of Maynard, Waters and Clement,³⁷ we have realized that outdoor play allows for a deeper knowledge about children, facilitating a more adequate educational intervention from the adult. Likewise, less conflicts occur during outdoor play and children tend to cooperate more with each other.^{28,38} The characteristics of the space (open and unpredictable) enable the development of joint goals between children, leading to experiences of companionship among peers. During outdoor play, children become teachers and learners, sharing their knowledge and skills to accomplish different tasks or challenges. In this process of cooperation, it is possible to develop empathy, as children begin to understand other's people feelings and needs. The crucial difference about socialization in the outdoor environment is that opportunities for interaction happen in a gradual way, giving children the possibility to choose the moments to connect with others or to play individually, without having to continually run into each other as it so often happens in close and exiguous rooms.

The interaction with adults also seem to be facilitated in the outdoor area. In different moments along the project, adults recognized that they felt more available to support children outside, where they felt relaxed and calm. This statement suggests that the outdoor environment is not only a healthy environment for children, but also for adults, where the levels of stress and anxiety seem to diminish. Other studies found evidences that support different

models of interaction between adult and child during outdoor play, being more child-led, flexible and based on dialogue about children's discoveries and interests.^{4,39,40}

The role of professionals and families in the provision of outdoor play experiences

To develop quality outdoor practices, that can have a positive impact in children's health and development, it is fundamental to promote conditions for adults to feel comfortable and motivated during the time spent outside. Adult's involvement will influence the type of experiences that children have access to and how they incorporate new knowledge. From the experience acquired during the project it is possible to state that teamwork is a crucial component for quality planning and intervention, facilitating the need for constant evaluation and reflection upon children's well-being and involvement.

Besides from collaboration among professionals, families should participate as much as possible in outdoor play. If professionals explain to the parents why it is important to play outside and make an effective effort to get them involved and satisfied, possible negative reactions related to fears about children getting sick, dirty or injured will be progressively solved. It is important to never forget that most families just want the best for their children and it is the job of professionals to help them achieve this goal. Desirably, the valorization of outdoor time from parents will also promote the integration of these type of experiences in family routines, creating conditions for stronger and more positive effects in children's development.

To overcome parents' anxieties and to promote quality outdoor play experiences, it was very important to assure that all children had proper equipment to play outside in different weather conditions (e.g. waterproof suits and rubber boots for winter). Having the adequate clothes is an essential dimension to assure children's safety and health. Also, we encouraged the parents to talk to the children's paediatrician about outdoor play, especially regarding children's respiratory and skin problems. This effort of articulation between health and education professionals was very important to earn parents' confidence in this learning approach.

Finally, the cooperation between family and school allowed for a progressive improvement of structures and play resources available outside. Often, parents offered their skills and time to the setting, working afterhours to build or recover play structures (e.g. trees houses, benches and tables for children) or collecting daily objects for children to play with (e.g. kitchen supplies to play with soil and water).

During the development of the project we always good lines of communication with families, trying to find solutions and strategies that satisfied everybody's needs.

Final thoughts

The need to guarantee that children have the possibility to play outside, facing adventures and challenges, without being constantly engaged in activities controlled by adults is a recent concern for most western societies. We have evolved to a more modern, technological, and globalized world but, in the process, we lost habits and experiences that influence our quality of life. One of the major challenges of present and future generations may be the need to find a balance between an increasingly "busy" society and the preservation of experiences of well-being and connection to the world. The educational settings have an important role in this process, guarantying that during the first years of life children have the means and opportunities to develop a positive self-esteem, curiosity and motivation about learning and good socialization

skills. The quality experienced in education services may help the child to overcome vulnerabilities related to other contexts (e.g. poverty, low levels of parents' education). Opportunities to contact with Nature, deal with risks, and socialize with peers and adults in a responsive and caring environment will contribute to quality educational experiences, influencing children's motivation and enthusiasm about learning and school.

The valorization of early years and outdoor play can be understood as a mean to promote healthier lifestyles, acknowledging that today's children will be the adults of tomorrow. Parents, educators, and policy makers should work to promote better childhood experiences, guarantying that children's interests are considered in urban and school planning. Without ignoring the slow rhythm of practices transformation, it is important to instigate educational settings to promote outdoor play, considering the amount of time that children spent in school and the impact of those experiences for learning and development.

With these ideas in mind, this testimony aims to highlight the importance of outdoor play in natural environments for children's learning and development and to inspire and challenge others to take advantage of the opportunities that the outdoor environment can offer.

Conflicts of interest

The authors declare no conflicts of interest.

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1025 The Dalles**Neighborhood Preservation Enforcement History**

- **May 31, 2018** – (Current complaint) – Neighbor complaining about noise from outdoor activity and violation of the conditions of approval pertaining to the hours of operation. **Outcome:** Pending
- **April 9, 2015** – Neighbor complaining about outdoor activities and violation of conditions of approval for hours of operation. **Outcome:** Issued \$100 administrative citation issued for violation of conditions of approval. Website modified to demonstrate approved hours of operation and outdoor activities ceased.
- **March 11, 2014** – Neighbor complaining about noise disturbance do to outdoor activities which violation the permit's conditions of approval. **Outcome:** Warning issued for violation of conditions of approval pertaining to outdoor activities. The business owner indicated they would submit a request to modify their conditions of approval.
- **April 1, 2013** – (related to St. Lutheran Church property) Neighbor complaining about lights installed on shed that were too bright. **Outcome:** Lighted removed.
- **January 16, 2011** – Proactive case of junk and debris in the park strip. **Outcome:** Mailed courtesy notice and debris removed.

FINDINGS - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation

POLICY LT-5.3: Require new development, renovation, and redevelopment to be compatible and well-integrated with existing residential neighborhoods.

Goal LT-6: Protected, Maintained, and Enhanced Residential Neighborhoods

POLICY LT-6.2: Limit the intrusion of incompatible uses and inappropriate development in and near residential neighborhoods, but allow transition areas at the edges of neighborhoods.

POLICY LT-6.2b: Require appropriate noise attenuation, visual screening, landscape buffers, or setbacks between residential areas and dissimilar land uses.

POLICY LT-6.4: Allow compatible and supporting uses such as group homes, places of assembly, community centers, recreational centers, and child-care centers in residential neighborhoods (including single-family neighborhoods) subject to review and consideration of operations, traffic, parking, and architecture

POLICY 14.9: Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions, schools, hospitals, large medical clinics) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure they do not have a negative effect on the surrounding area

Safety and Noise

POLICY SN-8.4 Prevent significant noise impacts from new development by applying state noise guidelines and Sunnyvale Municipal Code noise regulations in the evaluation of land use issues and proposals.

POLICY SN-8.6 Use Figure 6-6, "Significant Noise Impacts from new Development on Existing Land Use" to determine if proposed development results in a "significant noise impact" on existing development.

POLICY SN-9.3 Apply conditions to discretionary land use permits which limit hours of operation, hours of delivery and other factors which affect noise

FINDINGS

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project as the project as the proposed expansion of use and associated impacts does not meet the above stated goals and policies.

OR

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the proposed expanded use and continuing non-conformance at the subject site adversely affects the neighboring single family residences.



City of Sunnyvale

Agenda Item 4

19-0217

Agenda Date: 3/11/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Moffett Park Specific Plan Update Work Plan and Guiding Principles

Project Planner:

Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

BACKGROUND

A request for a General Plan Initiation (GPI) to consider updating the Moffett Park Specific Plan (MPSP) was submitted by Google on May 10, 2017. The letter from Google, requesting the initiation, is Attachment 2, and includes no specific amount of building area or types of uses, but requests the GPI to “allow and encourage increased levels of density and a broader range of land uses than...are permitted under the current version of the MPSP.” There is no specific project included as part of the GPI request.

The Planning Commission considered the GPI request on January 22, 2018 and voted 5-0 (two Planning Commissioners recused) to recommend to the City Council to:

1) Initiate a General Plan/Specific Plan Amendment Study to consider amending the Moffett Park Specific Plan; and 2) Direct staff: a) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to the City Council for action, b) on any plan features that the City Council would like included or would not like included, and c) to commence work on the amendment studies only if fully paid for by the applicant(s) (Attachment 4). The Planning Commission provided a list of specific issues they wanted addressed by future studies.

On February 6, 2018, the City Council voted 6-0 (one Councilmember recused) to initiate the amendment study (Attachment 6) in accordance with the Planning Commission recommendation (with minor amendments):

- a) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to the City Council for action;
- b) on any plan features that the City Council would like included or would not like included; and,
- c) to commence work on the amendment studies only if fully paid for by the applicant(s).

The Planning Commission also provided a list of specific issues that should be addressed by future studies, if the General Plan Amendment study is initiated by the City Council.

Subsequently, a limited-term Principal Planner was hired to manage the Specific Plan Amendment Process; this position was filled in August 2018.

Per the direction of City Council, staff has begun the process of the Moffett Park Specific Plan Amendment Study and has started the public outreach process. This report includes the findings of the initial outreach as well as a work plan and schedule for the update.

This item is scheduled for City Council consideration on April 9, 2019.

ENVIRONMENTAL REVIEW

Approval of the work plan is not a “project” that requires environmental review within the meaning of the California Environmental Quality Act (CEQA) because it can be seen with certainty that the action will not have an environmental impact (CEQA Guidelines, Section 15061(b)(3)). Furthermore, Section 15262 of the CEQA Guidelines exempts feasibility and planning studies for possible future actions that have not yet been adopted, funded, or approved. It is expected an EIR will be prepared for any amendment of the MPSP. The EIR would be a robust study of the varying impacts that could result from the build-out expected from the amended MPSP. The EIR will include the noticing, process and elements required by CEQA.

DISCUSSION

Initial Public Outreach

This initial outreach process included interviews with 14 MPSP area stakeholders. The individual interviews included 10 questions and were an hour in length. The stakeholders were made up of property and business owners within the Moffett Park area. Questions were designed to gauge the individual interests and concerns with future development in Moffett Park. Issues discussed included:

- a. Increasing or decreasing the office/industrial development capacity
- b. Allowing residential uses in the area
- c. Developing a plan to provide a mix of uses to create a “village” in the plan area including retail and other supportive uses
- d. Developing a plan for future transit, bike and pedestrian improvements
- e. Challenges faced by property owners and operators within the specific plan area

Although the interviewees varied greatly in their interests within the plan area, support was consistent for the following:

- Greater capacity for office and light industrial development
- Multi-family housing in the park area together with uses to support residents
- Improved infrastructure for all modes of travel, including bicycles and pedestrians
- Increased transit service
- Improved internet and public infrastructure
- Greater connection to the Downtown and Mountain View
- Greater connection to the Baylands Park and trails
- Creating a sense of place for Moffett Park

The interviewees also expressed the importance of operating in Sunnyvale and Silicon Valley for its proximity to the workforce talent, critical to emerging technology.

In general, this group had questions and concerns about planning for the following:

- Transportation and traffic
- Potential conflict of old and new uses
- Economic and industry diversity within the plan area
- Retaining and recruiting employees
- Planning for sea level rise

Guiding Principles

Staff recommends the use of the following principles for the Moffett Park Specific Plan update. The process will include a potential updated land use plan and corresponding policies and programs for zoning, design guidelines, parking standards, streetscape design, circulation and open space requirements.

- Inform the public about the planning process through a comprehensive community involvement strategy
- Update of the land use plan and policy framework within the plan area to consider the potential economic impacts of adding housing while directing growth toward transit supportive uses and improvements
- Improvement of vehicular, pedestrian, bicycle and transit connectivity between transit and existing and future adjacent commercial and residential areas within Moffett Park and with other adjacent areas of the City and other jurisdictions
- Development and implementation of urban design standards for streets, streetscapes, buildings and open space, which promote walkable and livable environments within the project area
- Redefine the Moffett Park Specific Plan area by integrating the economic, land use, environmental and public infrastructure policy framework into a plan for an “Ecological and Innovation District”
- Preparation of an implementation strategy to plan for and finance the needed infrastructure and services to support the new and expanded uses for the plan area
- Preparation of a program level environmental impact report (EIR including technical studies for economics, traffic, air quality, and infrastructure)

Process for Updating the Specific Plan

In accordance with the Office of Planning and Research Guidelines for updating a Specific Plan, staff will follow a structured process for revision and review consisting of the following phases:

1. Setting objectives
2. Research and analysis
3. Outreach and coordination
4. Planning and policy
5. EIR preparation
6. Public review
7. Adoption
8. Implementation

Work Plan

The detailed Work Plan is presented in Attachment 7. The following sections provide an overview of the proposed Work Plan which includes four phases.

Phase 1: Preliminary Land Use and Community Involvement. The first phase will include the development of a background report and base maps that address potential opportunities and constraints within the plan area. Reports will include market analysis, fiscal analysis, capacity studies for utilities and transportation, etc. Maps will include existing uses, hazardous materials locations, physical features (e.g., storm channels), current and future flood levels/sea levels, etc. These reports and maps will be used to facilitate community conversations about what land uses and improvements would be desired in the plan area. From this work, at least two potential land use scenarios with varying uses and intensity would be developed. Prior to proceeding with additional analysis and outreach, the study alternatives will be presented to the Planning Commission and City Council for conceptual approval.

Phase 1 includes a robust public outreach effort (that continues throughout the process) with both focused workshops as well as broad community engagement.

Focused workshops may be:

- Issue-based topics such as community safety, recreation, education, commercial services and circulation to and around Moffett Park.
- Land-use based to identify desirable amounts or locations of various land uses being considered.
- A combination of issues and land uses

Engagement will include a webpage with study information, online surveys, and staff attendance at business and neighborhood association meetings. Formal outreach will be held in a variety of venues and times of day to reach business and residential community members as well as other governmental agencies and advocacy groups.

All City departments delivering services to the public will have input and review during the update process. Internal service departments (e.g., Information Technology, Human Resources) of the City will have minor roles in the update process. Boards and Commission will also be kept up to date and study sessions will be held to solicit feedback throughout the process.

Phase 2: Research and Analysis. The second phase will utilize the results of the technical studies and existing conditions while developing potential land use and circulation scenarios. The research

and analysis phase will bring together multiple points of data and technical studies so that decision makers can consider all the aspects of potential land use changes. In addition, the technical studies will inform the development of the land use and circulation alternatives for the environmental review phase as well as the preliminary urban design, streetscape, and open space standards. A land use plan, to be used as the basis of the CEQA documents (sometimes titled the preferred alternatives), will be presented to the Planning Commission and City Council at the end of Phase 2.

Phase 3: Plan Update and Environmental Review. This phase will use the analysis and technical research combined with the input from the public and decision makers to develop an update to the specific plan. The update will cover all elements of the specific plan including land use (e.g., office, light industrial, retail and housing), transportation, parking, public services, public benefits, mobility, design, streetscapes, open space and implementation. The second task in Phase 3 is the Environmental Impact Report that will assess the potential impacts of the draft, examine alternatives and potential mitigations.

Phase 4: Adoption and Implementation. The final phase will include the formal public review and public hearing processes for consideration of adoption of the final plan, the final EIR and the Zoning Code and other implementing documents. Informal or formal feedback will be requested from all Boards and Commissions (except the Personnel Board and the Board of Building Code Appeals).

Once consultants have been retained for the work a detailed schedule will be developed and shared.

FISCAL IMPACT

There is no fiscal impact to the City. The City Council authorized the commencement of the work on this amendment in February 2018 with the condition that costs were fully paid for by the General Plan Amendment Initiation applicant, Google Inc. and/or additional interested parties. The fee for services includes all aspects of the amendment including in-house staff, related studies, and environmental review.

PUBLIC CONTACT

Public contact was made through posting the agenda on the City's official-notice bulletin board on the City's website and the agenda and report were made available in the Reference Section of the Public Library. Notices were sent to all property owners and tenants within Moffett Park and within 2,000 feet of the MPSP boundary (estimated 3,572 notices); email messages with notices were sent to all neighborhood associations, interested parties. Notice was also sent to the Moffett Park Business Group.

ALTERNATIVES

Recommend to City Council:

1. Approve the Guiding Principles, outlined in the staff report and the Work Plan (Attachment 7 to this report) for the update of the Moffett Park Specific Plan and direct staff to proceed with the understanding that the budget for the plan is funded by the initial applicant and/or other parties interested in the completion of the plan update.
2. Approve the Guiding Principles and Work Plan with modifications.
3. Do not approve the Guiding Principles and Work Plan as submitted and provide direction to staff on revisions to the Guiding Principles and Work Plan.

STAFF RECOMMENDATION

Recommend to City Council Alternative 1: Approve the Guiding Principles, outlined in the staff report and the Work Plan (Attachment 7 to the report) for the update of the Moffett Park Specific Plan and direct staff to proceed with the understanding that the budget for the plan is funded by initial applicant and/or other parties interested in the completion of the plan update.

Staff is recommending the Guiding Principles to help direct the plan update and recommends approving the Work Plan which outlines four major areas for the study. The Work Plan incorporates feedback from the preliminary outreach to Moffett Park stakeholders and a few key agencies (Valley Water, Valley Transportation Agency).

In the February 2018 Report to Council, it was contemplated that preliminary land uses would be presented in the Work Plan. Staff is recommending further study before presenting land use options to the City Council and will return to the Planning Commission and City Council with land use scenarios for further study and to select the study alternative for the EIR. At this preliminary phase of the study, staff is recommending that residential uses be included in the Study; however, the actual appropriateness and possible numbers will be based on the market, fiscal, and capacity analyses.

Prepared by: Michelle King, Principal Planner

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Not Used (*Reserved for Report to Council*)
2. Google MPSP GPA letter
3. Report to Planning Commission 17-0947, January 22, 2018 (*without attachments*)
4. Excerpt of Planning Commission Minutes, January 22, 2018
5. Report to City Council 18-0100, February 6, 2018 (*without attachments*)
6. Excerpt of City Council Minutes, February 6, 2018
7. Work Plan for Moffett Park Specific Plan Update

ATTACHMENT 1

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8 August 2017

Trudi Ryan, Director
Community Development Department
City of Sunnyvale
456 W Olive Street
Sunnyvale, CA 94086

Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

google.com

RE: Initiation Request for an Update of the Moffett Park Specific Plan

Dear Ms. Ryan:

I am writing to you in regards to Sunnyvale's Moffett Park district, where Google, Inc. currently owns and/or leases property. We are strongly committed to this district's future as we see it as inextricably linked with our own. It is our intention to build new office and research & development facilities on the majority of our holdings in Moffett Park to support our current and future growth needs, and aim do so in ways that create an inviting and compelling environment not only for our employees and visitors, but for the broader Sunnyvale community.

In Moffett Park, we see incredible opportunities to create a modern community that inspires and empowers. We envision building sustainable, mixed-use neighborhoods that foster long-term health, vitality, and cooperation. And a transformational reimagining of environmental, transportation, and other systems that will propel the region forward. To enable this powerful vision, we respectfully request that the City of Sunnyvale formally initiate a full update of the Moffett Park Specific Plan (MPSP) to allow and encourage increased levels of density and a broader range of land uses than are permitted under the current version of the MPSP (2013).

To this end, we suggest that the City explore the potential for residential uses in Moffett Park, an addition which would ease the pressures of affordability and a job and housing imbalance. It is both our assumption and our assertion that these changes would be accompanied by improved transportation and other infrastructure systems that will not only enable growth, but ensure resiliency in the face of sea-level rise and other impending changes. Hand in hand with these improvements, we advocate for a future Moffett Park that provides benefits to the larger community with publicly-accessible parks, trails, open spaces, placemaking features, and additional services and amenities. And, as we all know, an increase in density and allowance for a broader mix of uses actually will make neighborhood-serving retail, restaurants, services, and high-occupancy transit feasible.

Because of the scale of the affected properties, we understand that a full update rather than a more circumscribed amendment to the MPSP is necessary. We also understand that this work requires an Environmental Impact Review (EIR) and conforming amendments to the City's General Plan and Municipal Code, and we request that these steps be initiated as well.



Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

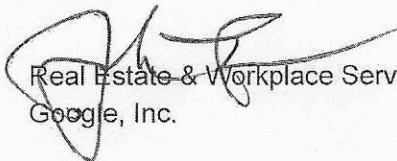
google.com

An update of the Moffett Park Specific Plan will enable this district to be transformed into Silicon Valley's model of a 21st century innovation district. The area will not only be the City of Sunnyvale's economic engine, but with a unique blend of office, industrial, research and development, and housing, will also serve as a beacon for integration, livability, and resilience. Moffett Park will become a dynamic, compelling, productive, and desirable place to create, innovate, and thrive through thoughtful partnerships and ambitious, community-focused investments in:

- Placemaking and public spaces
- Ecological restoration
- High-quality transit
- Active mobility, and
- District infrastructure

We at Google look forward to playing a key role in this transformation.

Sincerely,



Real Estate & Workplace Services
Google, Inc.



City of Sunnyvale

Agenda Item

17-0947

Agenda Date: 1/22/2018

REPORT TO PLANNING COMMISSION

SUBJECT

File #: 2017-7743

Locations: Moffett Park Specific Plan Area

Proposed Project: General Plan Amendment Initiation: to consider amendments to the Moffett Park Specific Plan.

Applicant / Owner: Google, Inc. (applicant) / various owners

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).

Project Planner: Andrew Miner, (408) 730-7707, aminer@sunnyvale.ca.gov

BACKGROUND

The Moffett Park Specific Plan was initially adopted by the City Council on April 27, 2004, and has been amended several times, with the most recent amendment in 2013. Amendments have been for specific property considerations to change the land use designations to Moffett Park Transit Oriented Development (MP-TOD) from Moffett Park General Industrial (MP-I) and allow higher floor area ratios (FAR) through the green building program. The plan has otherwise remained generally the same since 2004 including no changes to the basic land uses or the maximum buildout for the Moffett Park area.

The entire area has a General Plan designation of Moffett Park Specific Plan and includes three zoning districts, MP-TOD (Moffett Park Transit Oriented Development), MP-I (Moffett Park General Industrial) and MP-C (Moffett Park Commercial). The General Plan designation provides for research and development, manufacturing, office, and heavy industrial uses (see Attachment 2).

PROCESS

General Plan Amendment Initiation (GPI) requests (including Specific Plan Amendment requests (SPI)) are considered on a quarterly basis through a recommendation from the Planning Commission and then action by the City Council. The process for considering a General Plan Amendment (GPA) begins with a written request and application fee, from a property owner or applicant, to initiate the amendment process. If the Council approves the GPI, a formal application for a GPA can be filed by the property owner/applicant. The current City Council practice is to consider the GPA before any specific project development application.

Staff received a request from Google, Inc. to amend the Moffett Park Specific Plan (MPSP) on May 10, 2017. The letter from Google requesting the initiation is in Attachment 3, and includes no specific amount of building area or types of uses, but requests the SPI to "allow and encourage increased levels of density and a broader range of land uses than...are permitted under the current version of the MPSP." There is no specific project included as part of the SPI request.

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The City Council is scheduled to consider this item on February 6, 2018.

EXISTING POLICY

SUNNYVALE GENERAL PLAN:

The General Plan is the primary policy plan that guides the physical development of the City. When used together with a larger body of City Council policies, including specific plans, it provides direction for decision-making on City services and resources. The recently adopted Land Use and Transportation Element (LUTE) within the General Plan created an integrated set of policies to guide land use, development, and transportation choices with a horizon year of 2035. The LUTE anticipates that the proposed Moffett Park Specific Plan area would transform based on the provisions in the Specific Plan. The LUTE has several policies to improve the jobs-to-housing ratio, promote business retention and expansion, and ensure coordinated development with community benefits.

Regional Participation

Policy LT-1.3: Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.

Effective Integration of Transportation and Land Use Planning

Policy LT-3.4: Require large employers to develop and maintain transportation demand management programs to reduce the number of vehicle trips generated by their employees.

Open Space, Parks, and Wetlands

Policy LT-9.1: Ensure that the planned availability of open space in both the city and region is adequate.

Action 4: Integrate useable open spaces and plazas into commercial and office developments.

Policy LT-10.5: Engage in regional efforts to enhance and protect land uses near streams and to respond to sea level rise and climate change.

Supportive Economic Development Environment

Policy LT-11.1: Provide existing businesses with opportunities to grow in Sunnyvale and provide opportunities to expand into new technologies.

Policy LT-11.3: Promote business opportunities and business retention in Sunnyvale.

A Balanced Economic Base

Policy LT-12.4: Attract and retain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy and provide a range of job opportunities.

Policy LT-12.5: Encourage land uses that generate revenue while preserving a balance with other community needs, such as housing.

Protected Commercial Districts

Policy LT-13.8: Require high design standards for office, industrial, and research and development (R&D) buildings in all business districts.

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Action 2: Maintain and review, as needed, criteria for superior quality architecture, landscaping, and site development for office, industrial, and R&D projects that request to develop beyond standard floor area ratio limits.

Policy LT-13.9: Maintain areas of Class B and C buildings to support all types of businesses and provide a complete community.

Specialized Plans and Zoning Tools

Policy LT-14.2: Prepare specific area plans and special zoning tools (including, but not limited to specific plans, precise plans, design guidelines, specialized zoning, and sense of place plans) to guide change in areas that need special attention.

Moffett Park Specific Plan (page 82 of public hearing version of LUTE)

The Specific Plan maximizes the development potential for corporate headquarters, offices, and research and development facilities. The Plan encourages higher-intensity office uses (up to 70% FAR) along the Tasman light rail line and medium-density floor area ratios (up to 50% FAR) in outlying areas. The allowable FAR depends on the level of green building standards that are met. The Specific Plan also has provisions for supportive commercial services. A development reserve was established to calculate supply and allocation of additional square footage and higher floor area ratios to projects. Three zoning districts implement the Moffett Park Specific Plan: MP-TOD (Moffett Park Transit-Oriented Development), MP-I (Moffett Park General Industrial), and MP-C (Moffett Park Commercial). FAR limits may be exceeded through participation in the Green Building Program.

Community Benefits

Policy LT-14.8: Ensure that development projects provide appropriate improvements or resources to meet the City's future infrastructure and facility needs, and provide development incentives that result in community benefits and enhance the quality of life for residents and workers.

Action 3: Include a discussion of community benefits in area plans and specific plans that defines the City's priorities and outlines and implementation program.

DEVELOPMENT RESERVE AND TRANSFER OF DEVELOPMENT RIGHTS

The City maintains a limited amount of available office/industrial square footage for the Moffett Park Specific Plan area that may be applied to higher FAR projects that exceed the base zoning allowance. The square footage given to a specific project is subtracted from the Moffett Park Specific Plan development reserve. The beginning balance in 2005 was 5.44 million square feet and the current balance is approximately 141,000 square feet. About 80% of the development reserve has been allocated and vested (part or all of the project has been constructed); 13% is approved (including under construction); and 7% is pending or un-allocated. The MPSP also has a program called the Transfer of Development Rights (TDR), that allows a property owner to sell base zoning development potential to another private property owner. No property owner has taken advantage of the TDR program. An entitlement from the Development Reserve may not be transferred.

ENVIRONMENTAL REVIEW

The decision to initiate a General Plan study does not require environmental review under the California Environmental Quality Act (CEQA) because the mere initiation of a study does not constitute a project with the meaning of CEQA pursuant to CEQA Guidelines section 15378 (a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably

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foreseeable indirect physical change in the environment. If initiated, the proposed SPA and associated Rezoning (RZ) would be subject to the provisions of CEQA. If the applicant proceeds with the project concept as currently envisioned, preliminary analysis suggests that an Environmental Impact Report will be required, which will include a traffic analysis and other technical studies.

DISCUSSION

Overview

The Moffett Park Specific Plan was prepared and adopted in 2004, and includes 1,156 acres in the office/industrial area north of State Highway 237. The three distinct zoning districts of the MPSP include: MP-TOD for properties that include property within ¼ mile of a light rail station; MP-I for industrial/office areas outside of ¼ mile of the light rail stations; and, MP-C for three areas provided for commercial uses. The MPSP area is home to many key businesses, including Google, Amazon, NetApp, HP, Microsoft, Juniper Networks, Bloom Energy, and Yahoo! (now part of Verizon).

At the time of adoption, there were 462 acres of property designated MP-TOD, 681 acres designated MP-I, and 13 acres designated MP-C, and over 15 million square feet of development in the plan area; there are now 592 acres of MP-TOD, 551 acres MP-I and no change to MP-C. The MP-TOD area includes two properties classified as “military parcels” in the Plan, and include:

- The 48-acre site owned by the U.S. government (for use by the Navy), located on the west side of Mathilda Avenue, north of Fifth Avenue; and,
- The 18.86 acres once used for the Onizuka Air Force Station which has since been closed and transferred to different entities, including the Foothill-De Anza Community College, the Veterans Administration, Jay Paul Company (as part of a property swap of the prior fire station for a new fire station at a different location), and the City of Sunnyvale. The City Council recently approved the sale of the remaining 5.01-acre City-owned Onizuka property to Google, Inc.

The MPSP specifically described the military parcel developments as “stable uses” not expected to be redeveloped as part of the MPSP. It was anticipated that the two areas would not be developed beyond their then building area. The Plan estimates that the Navy site is built out at 35% floor area ratio (FAR), and the Onizuka site at 61% FAR, and that future development intensifications were not included within the scope of the Plan nor the EIR prepared for the Plan. The sites were also exempt from participating in the Development Reserve and Transfer of Development Rights program of the MPSP.

The MPSP area does not include the following:

- The Moffett Federal Airfield;
- The wetlands;
- The City-owned land north of Caribbean Drive where the water pollution treatment plant and SMaRT® solid waste transfer station is located; nor,
- The County-owned Twin Creek Sports complex or Baylands Park.

A key element of the MPSP area is the VTA light rail that runs through the area. There are four light rail stations in the MPSP area, including one on the Technology Corners property, which was built by Jay Paul as a part of the development on that property (prior to the adoption of the Moffett Park Specific Plan). The location of these light rail stations help define the MP-TOD zoning designation area.

Past MPSP Approvals and Recent Applications

At adoption, the MPSP included a development reserve from which square footage from projects that exceed their base zoning allowance by using the green building incentives or requesting approval from the City Council would be drawn down. The original development reserve total in 2004 was 5,440,000 square feet, which was studied in the MPSP EIR. Several projects have subsequently taken advantage of the development reserve, including Network Appliance, Jay Paul Company, Yahoo!, and Google, and the current reserve amount is 141,191 square feet (see Attachment 4 for listing).

Juniper Networks has an approved plan that allows a total of two million square feet of office; the site was previously built with one million square feet research and development building. The permit has been vested through the construction of two office buildings (approximately 420,000 square feet total) and a 30,000 square foot conference/assembly building. Two smaller modular buildings of about 7,000 square feet total were allowed as interim uses to provide indoor recreation facilities. Approximately 1.58 million square feet of office can be built on the site; the project can be built out as needed by the owner.

On December 20, 2017, Google, LLC applied for a new project on 40.5 acres of land on both sides of the West Channel at North Mathilda Avenue and Caribbean Drive. The project consists of two new 5-story R&D office buildings totaling approximately one million square feet including a 4-level parking structure. Existing office and manufacturing buildings totaling 679,225 square feet are planned to be demolished. Google has notified the City that property recently purchased from NetApp had approval of projects with development reserve building area was returned and is proposed for use in the new Caribbean project. Use of the remaining 141,191 square feet of development reserve plus that returned from the NetApp project are necessary for the proposed project to be considered.

Also, with Verizon's acquisition of Yahoo!, Verizon has an interest in building an approved project at the northeast corner of Java Drive and North Mathilda Avenue (permit expires on October 18, 2018). To vest that permit ahead of that date, Verizon is intending to begin construction on at least one building. The project includes a 6-story 508,000 square foot office building (80% FAR), 24,000 square foot special use amenities building and one parking structure. Yahoo pre-paid 25% of the traffic impact fee (TIF), which is allowed in the MPSP area only, to extend the entitlement for a total of seven years, to a final date of October 18, 2018.

There has been continual implementation of the MPSP area since 2004, with increased activity in recent years. The primary goal of the Specific Plan is to maximize the development potential for corporate headquarters, offices, and research and development facilities. The City's interest in supporting Moffett Park as a business center and its location in the Silicon Valley has encouraged companies to invest in the area.

Requested General Plan Amendment Initiation

On August 8, 2017, Google, Inc. filed a General Plan Amendment Initiation request (see Attachment 3). Google's stated purpose to amend the MPSP is to make the area a cutting-edge 21st Century innovation district, made up of a mix of uses in villages throughout the Plan area. Google has stated an interest in housing in the area as well as increased retail and services and open space for those that live and work in the area. Another element of the study would be to consider increased office building allowance and to increase the development potential for the area.

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Although Google made the application to initiate the amendment to the MPSP, they do not own all property in the plan area, and other property owners will be affected and could or could not benefit from an amendment to the Plan. There are several other large property owners and users in the area, including the U.S. Navy site, Lockheed Martin, Jay Paul, Verizon, NetApp, and several large tenants such as Amazon, Microsoft, HP, Bloom Energy, Cepheid, and Infinera. Preparation of an updated MPSP would consider all properties in the study area, not just the Google properties.

Proposed General Plan Amendment and Potential Rezoning

If initiated by the City Council, the MPSP would be studied for amendment and an environmental review would be prepared. The recently adopted LUTE did not identify the proposed study area for growth beyond that anticipated in the MPSP; therefore, the General Plan LUTE may need to be amended to reflect any changes. Depending on the land uses identified in an updated plan, new zoning maps and code amendments may be needed. A recommendation hearing would be conducted by the Planning Commission and the final determination would be made by the City Council.

No change to the General Plan or zoning would occur as part of the subject of this report, which would be to authorize a study of potential changes to the plan and zoning. Ultimately, the City Council may approve a General Plan or zoning amendment upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest.

The subject request to initiate amendment studies for the Moffett Park Specific Plan, General Plan and zoning is quite general (i.e., there are no properties identified for various uses nor are there development mix or intensities identified). Staff recommends, that if the City Council initiates the GPA/SPA that staff return with a work plan and project description for Planning Commission recommendation and City Council action. The work plan and project description would be developed after outreach to Moffett Park business and property owners as well as other public agencies and interested parties, including residents of Sunnyvale.

The initial outreach to the community would explore concepts of:

- a. Increasing or decreasing the office/industrial development capacity;
- b. Allowing residential uses in the area;
- c. Increase retail opportunities in the area; and
- d. Develop a plan that provides a mix of uses to create neighborhoods in the area.

After the initial outreach a series of higher level capacity analyses would be prepared to determine the holding capacity of the area (e.g. is there sufficient water and sewer treatment capacity, what are the nature of transportation impacts). This information would be used to develop a more detailed land use program for City Council consideration. Once the City Council has selected a specific program, more detailed studies would be prepared and would include analysis of the potential impacts and benefits of changing land uses. The study would also include several technical studies to inform the decision-making process. These studies would include at least the following:

Studies:

- *Market analysis*- This study would consider the current and future market characteristics to assist in considering if a market for the changes are present, the type of uses would be successful, and potential impacts to smaller businesses in the area from amending the MPSP.

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- *Economic analysis*- This study reviews the financial impact to the City, including costs to provide services and potential revenue that could be expected from the land uses allowed in a revised MPSP.
- *Traffic Impact Analysis (TIA)*- This analysis studies the baseline traffic for several intersections in and outside the city and applies growth assumptions for what the plan proposes to determine impacts to traffic and where traffic improvements would be needed. The TIA is incorporated into the EIR for the traffic review.
- *Visual impacts* - associated if increased building heights and massing are identified
- *Infrastructure/Utility Analysis* - The analysis would refine the higher level analysis developed for establishing the general land use program and would include more detail on the collection and distribution systems for utilities.

If Residential Uses are evaluated:

- *School Impact Analysis*- The current MPSP does not allow residential uses, so no impacts to schools was considered. If the Council initiates an amendment to the MPSP to include housing, the Sunnyvale School District, Fremont Unified High School District and Santa Clara Unified School District will be included in the effort to ensure adequate resources are available to future school aged children in the plan area.
- *Parks and other Residential Services*- This would include areas for recreation, sidewalks, retail services, and any potential changes to solid waste collection.
- *Hazardous Material Analysis*

Other Studies

- *Sea Level Rise and Adaptation* - These studies are identified in the adopted Climate Action Plan, particularly for the Moffett Park Area.

Environmental Impact Review:

It is expected an EIR would be prepared for any amendment of the MPSP. The EIR would be a robust study of the varying impacts that could result from the build-out expected from the amended MPSP. The EIR will include the elements required by CEQA. Once a preferred alternative is selected, a Notice of Preparation (NOP) would be issued to other federal, state, and local agencies, property owners in the Moffett Park area and vicinity, and other interested parties. Feedback received would inform the scope for a Draft EIR, which, once prepared will be made available for public review and comment. Responses to comments are then prepared, along with any corrections needed to the Draft EIR; these documents are collectively the Final EIR which would be presented to the City Council along with an updated specific plan.

FISCAL IMPACT

If the Council initiates the amendment, Google would be required to pay the cost to prepare the amended MPSP, required environmental review documents, including traffic, air quality, noise, and infrastructure analysis (including an amended Water Supply Assessment) and supplemental City staffing costs. Planning is operating at reduced staffing due to personal leaves and is experiencing a very high workload, and additional staffing resources will be necessary to complete the amendment effort. It is reasonable to request Google to pay the cost for additional staff resources to complete the MPSP amendment.

PUBLIC CONTACT

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Public contact was made through posting the agenda on the City's official-notice bulletin board and on the City's website and the agenda and report were made available in the Reference Section of the City Library. Notices were sent to all property owners and tenants within Moffett Park and within 2,000 feet of the MPSP boundary (3,572 notices) (Attachment 5); email messages with notices were sent to all neighborhood associations, Morse Park, SNAIL, and Plaza del Rey, Lakewood and San Miguel. Notice was also sent to the Moffett Park Business Group.

ALTERNATIVES

Recommend to City Council that City Council:

1. Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan
2. Provide direction:
 - a. To prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action.
 - b. On any plan features that the City Council would like included or would not like included.
 - c. To commence work on the amendment studies only if fully paid for by the applicant or applicants.
3. Do not initiate a General Plan Amendment study and leave the current development capacity, land uses and standards in place.

STAFF RECOMMENDATION

Alternatives 1 and 2: 1) Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan; and 2) Provide direction: a) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action, b) on any plan features that the City Council would like included or would not like included, and c) to commence work on the amendment studies only if fully paid for by the applicant or applicants.

The MPSP was adopted in 2004, and there have been many changes in the Moffett Park area (and City) since that time. The MPSP concepts and policies have been very successful and the vision has been realized. Although plans such as these typically have a 20-year horizon, a period of 10-15 years is not unusual, especially given the amount of change occurring in Sunnyvale and Silicon Valley. The interest by large technology companies, such as Google, to create housing opportunities close to their offices is an intriguing concept, although other factors must be considered, including the presence of typical industrial uses in the MPSP, impacts on schools, and the provision of adequate open space.

Updating the MPSP could include a study of potential impacts due to sea level rise, an effort not completed in Sunnyvale to date. The effort will be substantial, but an amended MPSP would help guide a re-visioning of an important Silicon Valley business center with an eye for the future.

Prepared by: Andrew Miner, Planning Officer

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Tim Kirby, Finance Director

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

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ATTACHMENTS

1. *Not Used, Reserved for Report to Council*
2. General Plan Land Use Map
3. Applicant Letter
4. Development Reserve
5. Noticing Map

PUBLIC HEARINGS/GENERAL BUSINESS

2. [17-0947](#) **File #:** 2017-7743
 Locations: Moffett Park Specific Plan Area
 Proposed Project: General Plan Amendment Initiation: to consider amendments to the Moffett Park Specific Plan.
 Applicant / Owner: Google, Inc. (applicant) / various owners
 Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).
 Project Planner: Andrew Miner, (408) 730-7707, aminer@sunnyvale.ca.gov

Commissioner Howe recused himself due to a potential economic conflict of interest.

Chair Rheume recused himself due to a potential economic conflict of interest.

Planning Officer Andrew Miner presented the staff report.

Commissioner Simons confirmed with Planning Officer Miner that the Planning Commission can make recommendations to include in the motion for Council consideration.

Commissioner Simons commented on the need for a Moffett Park Bicycle and Pedestrian Master Plan. Planning Officer Miner acknowledged the point and provided background information about the future operation of Moffett Park. Commissioner Simons asked staff about future issues, such as gap closures and compliance with Vision Zero. Planning Officer Miner commented on circulation and access to Moffett Park and noted that the Bicycle and Pedestrian Advisory Committee would be included in the review process.

Commissioner Harrison asked staff about the timing to complete the Peery Park Specific Plan. Planning Officer Miner provided details and advised that one and half years is a reasonable estimate to update the Moffett Park Specific Plan (MPSP).

Commissioner Harrison asked staff to explain the development history of Moffett Park. Planning Officer Miner advised that the goal was to provide an area in the City that would attract global companies. Planning Officer Miner stated that residential developments have not yet been developed in Moffett Park because of the previous and current industrial uses but that analysis pertaining to safety concerns with

residential development would be included in the study. Planning Officer Miner provided background about the evolution of the City's industrial areas and current development trends.

Commissioner Harrison asked staff when a Specific Plan would normally come up for review. Planning Officer Miner advised that plans are generally expected to last 25 – 30 years but that due to the rapid change in the Bay Area there is a need to reevaluate sooner. Planning Officer Miner spoke about current conditions and advised that if Google hadn't made the request the MPSP would have likely been reviewed in five years.

Commissioner Harrison confirmed with Planning Officer Miner that the Transfer of Development Rights (TDR) included in the MPSP would allow an applicant to transfer development rights between parcels.

Commissioner Olevson asked staff about funding for the potential study. Planning Officer Miner stated that Google would pay the cost as the applicant and initiator of this request, but that preparation of the plan would be led by the City.

Commissioner Olevson commented that Moffett Park was designed for industrial uses and asked staff if the impact on the Department of Public Safety (DPS), including Fire Station Five, would be analyzed in the study. Planning Officer Miner confirmed that this would be studied and that the DPS would be included in the review process. Planning Officer Miner commented that utilities would also be reviewed for potential required upgrades.

Vice Chair Weiss opened the Public Hearing.

Mark Golan, Vice President of Real Estate and Workplace Services at Google, presented images and information about the proposed project.

Jim Thorne, business owner in Moffett Park, asked that consideration be given to existing business owners who are struggling to stay in business as companies move out of Moffett Park or are bought out.

Richard Mehlinger, Sunnyvale resident, spoke in support of the proposed project and commented that this project could help correct the jobs to housing imbalance.

Kerry Haywood with the Moffett Park Business Group, spoke in support of the

proposed project and noted that this study would provide a platform on which to analyze current challenges and explore opportunities for Moffett Park.

Commissioner Harrison asked Ms. Haywood about Lockheed Martin's feedback. Ms. Haywood advised that Lockheed Martin is evolving as a company and wants to be part of this process.

Senior Assistant City Attorney Rebecca Moon commented that Planning Commissioners should disclose if they met with the applicant and advise the content of their discussion.

Vice Chair Weiss disclosed that she met with the applicant last week to view the presentation slides and ask questions.

Commissioner Harrison disclosed that she met with the applicant last week to view the presentation slides and ask questions about sea level rise and public participation.

Commissioner Howard disclosed that he met with the applicant last week and noted Google's desire for architectural innovation as well as their concern for sufficient density in mixed-used development.

Vice Chair Weiss closed the Public Hearing.

MOTION: Commissioner Simons moved and Commissioner Howard seconded the motion for Alternatives 1 and 2 –

1. Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan; and
2. Provide direction: a) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action, b) on any plan features that the City Council would like included or would not like included, and c) to commence work on the amendment studies only if fully paid for by the applicant or applicants.

Commissioner Simons recommended the addition of a chart that outlines the original allocated square footage in Moffett Park, how the development reserve has decreased over time and the impact of this future project.

Commissioner Simons recommended the inclusion of the current water capacity for

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Moffett Park, planned potential usage and impacts on capacity. Planning Officer advised that a Water Supply Assessment is required and would be presented at a future Planning Commission meeting if the study is approved.

Commissioner Simons requested the addition of a Bicycle Pedestrian Master Plan that incorporates the following corridor aspects: Mary Avenue bike route to Cupertino; Borregas Avenue bridge access; Mountain View connection via Moffett Drive; bike and pedestrian access points to the Bay trail; east routes along 237; Lawrence Expressway as a bicycle and pedestrian corridor. Commissioner Simons stated that the Bicycle Pedestrian Master Plan should also address: type IV bicycle lanes; Light Rail and other transportation; potential transportation gaps and mitigation measures; sidewalk width consistency with VTA, CalTrans and AASHTO standards; public safety impacts related to Fire Station Five.

Commissioner Howard confirmed with Planning Officer Miner that these requests are understood by staff.

Commissioner Simons commented on current opportunities given the dramatic change in the Bay area. Commissioner Simons stated that Moffett Park previously excluded housing due to its industrial nature but that this area is changing. Commissioner Simons noted that it would be beneficial if the MPSP review could alleviate some of the long-standing problems in the City, such as access, connectivity and increasing the use of alternative transportation.

Commissioner Howard commented that he spoke before the Mountain View City Council to advocate Google's Bayshore plan. Commissioner Howard stated his general concerns regarding the technology industry bubble and the corresponding lack of communication with the public. Commissioner Howard stated an opinion that Google's mixed-used developments will improve interaction with cities and the public. Commissioner Howard encouraged the applicant to support employees leaving the office during the day to potentially patronize local businesses. Commissioner Howard commented on the need for self-driving public transportation in this region and noted that California Senate Bill SB 827 would increase height and density limits by right if a project is within a certain proximity to transportation.

Commissioner Harrison asked staff how this potential Specific Plan Amendment would tie into the Housing Element. Planning Officer Miner stated that aspects of the Housing Element may need to be updated and that this potential change would increase the number of planned housing units.

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Commissioner Harrison stated that she will be supporting the motion. Commissioner Harrison noted that this is an opportunity to develop design criteria around duck outs and a variety of building heights. Commissioner Harrison noted that the variety of building heights is a Planning Commission proposed Study Issue. Commissioner Harrison stated an opinion that varying building heights would generate more of a community feel and that the aggregated density would still meet the General Plan limits.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson commented on the real estate meltdown and the shutdown of Downtown during the recession and stated that it is appropriate to reevaluate plans from 14 years ago. Commissioner Olevson stated that it is time to look at Moffett Park and how the changes will affect the City, including infrastructure such as the DPS.

Vice Chair Weiss stated that she will be supporting the motion. Vice Chair Weiss noted that changes in this region have spurred growth and that there is a corresponding need to revision with input from the community and the Climate Action Plan 2.0 Advisory Committee. Vice Chair Weiss commented on the need for complete neighborhoods and streets and integration of local business with residential developments. Vice Chair Weiss stated an opinion that MPSP could be a model for other cities struggling with the jobs to housing imbalance. Vice Chair Weiss noted her hope that the study can be completed thoroughly and efficiently.

The motion carried by the following vote:

Yes: 5 - Vice Chair Weiss
Commissioner Harrison
Commissioner Howard
Commissioner Olevson
Commissioner Simons

No: 0

Recused: 2 - Chair Rheaume
Commissioner Howe

Planning Officer Miner advised that this item goes to the City Council on February 6th, 2018.



City of Sunnyvale

Agenda Item

18-0100

Agenda Date: 2/6/2018

REPORT TO CITY COUNCIL

SUBJECT

Proposed Project: General Plan Amendment Initiation: to consider amendments to the Moffett Park Specific Plan

File #: 2017-7743

Locations: Moffett Park Specific Plan Area

Applicant / Owner: Google, Inc. (applicant) / various owners

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).

Project Planner: Andrew Miner, (408) 730-7707, aminer@sunnyvale.ca.gov

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on January 22, 2018 and voted 5-0 (two Planning Commissioners recused) to recommend to City Council: 1) Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan; and 2) Provide direction: a) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action, b) on any plan features that the City Council would like included or would not like included, and c) to commence work on the amendment studies only if fully paid for by the applicant(s). The Planning Commission motion included features to study/explore as part of the update to the Specific Plan. The features recommended for study by the Planning Commission relate to water supply/distribution and bicycle and pedestrian features.

- A. Water Supply.** A Water Supply Assessment (to determine if there is adequate water supply) will be prepared as it is required by state law. The utility infrastructure study would review and recommend needed upgrades related to the Moffett Park water distribution system.
- B. Access at State Highway 237.** Analyze the potential of establishing (or reestablishing) access to and from Moffett Park at Fair Oaks Avenue.
- C. Bicycle and Pedestrian Master Plan.** Prepare a bike and pedestrian circulation plan that considers the following aspects:
 - i. Type IV bicycle lanes
 - ii. Light Rail and other transportation
 - iii. Potential transportation gaps and mitigation measures
 - iv. Borregas Avenue bridge access
 - v. Mountain View connection via Moffett Drive
 - vi. Bike and pedestrian access points to the Bay trail
 - vii. Sidewalk width consistency with VTA, Caltrans and AASHTO standards
 - viii. Public safety impacts related to Fire Station Five
 - ix. *Mary Avenue bike route to Cupertino*

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x. *Lawrence Expressway as a bicycle and pedestrian corridor*

Staff finds that the final two bullets (C-ix and C-x) relate more to a citywide bicycle and pedestrian master plan and that the Moffett Park Specific Plan update effort can inform a future update to the Citywide Bicycle and Pedestrian Master plan.

Attachment 6 is the draft minutes of the Planning Commission hearing which includes additional information about desired study features.

Four emails were received after the Planning Commission report was published and are included in Attachment 7.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan.
2. Direct staff:
 - A. To prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action.
 - B. To commence work on the amendment studies only if fully paid for by the applicant(s).
3. Direct staff to include the following scope items as suggested by the Planning Commission and modified by staff:
 - A. Water Supply Assessment
 - B. Access at State Highway 237
 - C. Bicycle and Pedestrian Master Plan that considers the following aspects:
 - i. Type IV bicycle lanes
 - ii. Light Rail and other transportation
 - iii. Potential transportation gaps and mitigation measures
 - iv. Borregas Avenue bridge access
 - v. Mountain View connection via Moffett Drive
 - vi. Bike and pedestrian access points to the Bay trail
 - vii. Sidewalk width consistency with VTA, Caltrans and AASHTO standards
 - viii. Public safety impacts related to Fire Station Five
4. Do not initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan and leave the current development capacity, land uses and standards in place.

STAFF RECOMMENDATION

Alternatives 1, 2 (A and B) and 3 (A, B, and C i - viii): 1) Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan; 2) Direct staff: A) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action and B) to commence work on the amendment studies only if fully paid for by the applicant(s); and, 3) Direct staff to include the

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following scope items as suggested by the Planning Commission and modified by staff:

- A. Water Supply Assessment.
- B. Access at State Highway 237.
- C. Bicycle and Pedestrian Master Plan. Prepare a bike and pedestrian circulation plan that considers the following aspects:
 - i. Type IV bicycle lanes
 - ii. Light Rail and other transportation
 - iii. Potential transportation gaps and mitigation measures
 - iv. Borregas Avenue bridge access
 - v. Mountain View connection via Moffett Drive
 - vi. Bike and pedestrian access points to the Bay trail
 - vii. Sidewalk width consistency with VTA, Caltrans and AASHTO standards
 - viii. Public safety impacts related to Fire Station Five

The Moffett Park Specific Plan (MPSP) was adopted in 2004, and there have been many changes in the Moffett Park area (and City) since that time. The MPSP concepts and policies have been very successful and the vision has been realized. Although plans such as these typically have a 20-year horizon, a period of 10-15 years is not unusual, especially given the amount of change occurring in Sunnyvale and Silicon Valley. The interest by large technology companies, such as Google, to create housing opportunities close to their offices is an intriguing concept, although other factors must be considered, including the presence of typical industrial uses in the MPSP, impacts on schools, and the provision of adequate open space. Most of the study concepts recommended by the Planning Commission are pertinent to an update to the MPSP, many of which would be standard for this type of study. Staff does not find that inclusion of the citywide bicycle and pedestrian planning features (Mary Avenue bike route to Cupertino, and Lawrence Expressway as a bicycle and pedestrian corridor) are applicable to an update of the Moffett Park Specific Plan.

Updating the MPSP could include a study of potential impacts due to sea level rise, an effort not completed in Sunnyvale to date. The effort will be substantial, but an amended MPSP would help guide a re-visioning of an important Silicon Valley business center with an eye for the future.

Prepared by: Andrew Miner, Planning Officer
Reviewed by: Trudi Ryan, Director of Community Development
Reviewed by: Tim Kirby, Finance Director
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

- 1. Report to Planning Commission 17-0947, January 22, 2018 (without attachments)
- 2. General Plan Land Use Map
- 3. Applicant Letter
- 4. Development Reserve
- 5. Noticing Map

Additional Attachments for Report to Council

- 6. Excerpt of Draft Minutes of the Planning Commission Meeting of January 22, 2018
- 7. Public Comment Letters

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [18-0100](#) Proposed Project: General Plan Amendment Initiation: to consider amendments to the Moffett Park Specific Plan
File #: 2017-7743
Locations: Moffett Park Specific Plan Area
Applicant / Owner: Google, Inc. (applicant) / various owners
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (a).

Councilmember Griffith announced the item involves a competitor to his employer, recused himself and left the room.

Councilmember Melton, Councilmember Goldman, Vice Mayor Klein, Councilmember Larsson, Councilmember Smith and Mayor Hendricks each disclosed they met individually with representatives of Google.

Planning Officer Andrew Miner provided the staff report. Director of Community Development Trudi Ryan provided additional information.

Applicant Jeff Holzman, Director of District Development with the real estate group at Google, Inc., spoke regarding the proposed study and provided a PowerPoint presentation.

Public Hearing opened at 8:36 p.m.

Pamela Putman spoke in agreement with the speakers earlier in the meeting and encouraged consideration of cyclists and bicycle safety.

Boban Jose, small business owner in the Moffett Plaza, expressed concerns regarding the loss of small businesses that are being bought by Google and urged Council to consider small family businesses.

Mimi Khuc spoke regarding her family's small business in the small shopping

complex and requested Council not approve the project.

Jacquelyn Khuc spoke regarding the impact of the Google development on their family business in Moffett Plaza, and requested consideration of the impact on their lives.

Kira Od asked that Google involve local biologists and consider birds and wildlife in the area.

Mike Samuel, owner of a small business in Moffett Park, expressed concern regarding the future of the area and requested consideration of the effects of development on the businesses in that area.

Zachary Kaufman spoke regarding consideration of satellite production and the ecosystem that supports it, and what it means to the city fiscally.

Mike Serrone spoke in support of the open space and trails, the reference to placemaking, mixed use and residential development, and encouraged the City to proceed with the study.

Sue Serrone spoke in support of the study and the comments by the Planning Commission. Serrone expressed concerns regarding sea level rise, heat and flooding and spoke in support of the opportunity to study housing needs and requested inclusion of a jobs-housing fit metric.

Nichole Montojo, SV@Home, spoke in support for the study of the Moffett Park Plan and encouraged jobs-housing fit and features that would support affordable housing.

Angela Rausch, Bicycle and Pedestrian Advisory Commission member speaking for herself, spoke in support of the study of mixed use, connectivity of cyclists and pedestrians, and more housing.

Mark Roest, SeaWave Battery, spoke regarding high capacity elevated transit systems and other technologies for connectivity.

Kerry Haywood, Executive Director, Moffett Park Business Group, requested support for the study to update the Moffett Park Specific Plan and support for the staff recommendation.

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Ben Pacho, Silicon Valley Bicycle Coalition speaking for himself, expressed support for the amendment to the Moffett Park Specific Plan. Pacho also expressed support for Council's action on Consent Calendar Item 1.D.

Mason Fong, Board of Library Trustees member speaking for himself, spoke in support of the study.

Applicant Jeff Holzman responded to questions.

Public Hearing closed at 9:07 p.m.

MOTION: Vice Mayor Klein moved and Councilmember Larsson seconded the motion to approve Alternatives 1, 2 (A and B) and 3 (A, B, and C i - viii): 1) Initiate a General Plan/Specific Plan Amendment study to consider amending the Moffett Park Specific Plan; 2) Direct staff: A) to prepare a work plan and project description after initial community outreach and return to the Planning Commission for a recommendation and to City Council for action and B) to commence work on the amendment studies only if fully paid for by the applicant(s); and, 3) Direct staff to include the following scope items as suggested by the Planning Commission and modified by staff:

A. Water Supply Assessment.

B. Access at State Highway 237.

C. Bicycle and Pedestrian Master Plan. Prepare a bike and pedestrian circulation plan that considers the following aspects:

- i. Type IV bicycle lanes
- ii. Light Rail and other transportation
- iii. Potential transportation gaps and mitigation measures
- iv. Borregas Avenue bridge access
- v. Mountain View connection via Moffett Drive
- vi. Bike and pedestrian access points to the Bay trail
- vii. Sidewalk width consistency with VTA, Caltrans and AASHTO standards
- viii. Public safety impacts related to Fire Station Five

The motion carried by the following vote:

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City Council

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Yes: 6 - Mayor Hendricks
Vice Mayor Klein
Councilmember Larsson
Councilmember Smith
Councilmember Melton
Councilmember Goldman

No: 0

Recused: 1 - Councilmember Griffith

Moffett Park Specific Plan Update Work Plan
March 2019

PHASE 1: PRELIMINARY LAND USE and COMMUNITY INVOLVEMENT**Task 1: Background Report and Preliminary Land Use Concepts**

Review background studies and documents that pertain to the Moffett Park Plan Area and develop several land use scenarios.

- Create preliminary Background Report and Base Maps that addresses constraints and opportunities in the plan area and to inform potential land use changes
- Produce preliminary Land Use Plan for the Moffett Park area to include at least two conceptual land use plans with varying land use intensity and locations.
- Land Use Plans will be presented to the Planning Commission and City Council for conceptual approval.

Task 2: Community Engagement Plan

Outreach for the MPSP amendment will include public workshops which will inform community members about the project and the process. Participation of property owners, business owners, community groups, and interested residents will be an important element of the project. A comprehensive public outreach plan will be developed to engage and educate the public about the Moffett Park Specific Plan Update process, provide opportunities for the public to discuss issues openly and participate in the formulation and selection of preferred concepts and plans. Community participation opportunities may include:

- Target outreach to neighborhood associations, community groups, businesses, business owners and schools.
- Facilitate focused discussion and workshops with stakeholders (businesses and property owners in Moffett Park) to address significant issues and future trends identified during the research and analysis phase.
- Hold workshops to engage the public and decision makers in defining the “Sense of Place” for Moffett Park while considering the ecological and innovation resources located in the plan area.
- Create webpages for to update interested parties.

- Develop online surveys for general public feedback.
- Hold study sessions and hearings with the Planning Commission and Bicycle and Pedestrian Advisory Commission, Sustainability Commission other for input; and
- Provide information and updates to other boards and commissions; determine if formal reviews and recommendations are appropriate.
- Identify a technical working group (TWG) to involve staff and technical experts from other public agencies and various divisions in the City of Sunnyvale. The TWG will provide intergovernmental coordination; help develop plan concepts and guide the project.

Outside Agencies may include:

- Valley Water (*formerly Santa Clara Valley Water District*)
- Regional Water Quality Control Board
- Santa Clara Valley Transportation Authority (VTA)
- K-12 School Districts that would serve Moffett Park
- Foothill De Anza Community College District
- Cities of Mountain View and Santa Clara
- Bay Conservation and Development Commission (BCDC)
- Others

City Departments will include:

- Office of the City Manager
- Office of the City Attorney
- Community Development
- Environmental Services
- Finance
- Library and Community Services
- NOVA Workforce Services
- Public Safety
- Public Works

PHASE 2 RESEARCH AND ANALYSIS

Task 3: Technical Studies and Existing Conditions report

The following studies are identified as necessary for considering circulation and land use alternatives during Phase 2 of the update. This is not an exhaustive list and does not include all background information needed for the environmental

review process. Staff has noted the specific transportation and transit issues previously identified by the Planning Commission and City Council.

- Water Supply Assessment
- Public Infrastructure Assessment
- Bike and Pedestrian Circulation Plan
- Traffic Impact Analysis (VMT and LOS)
- Parking Demand Analysis
- Market Analysis for the Plan Area
- Economic Impact Analysis regarding the current diverse business base and the potential impact of losing the business diversity
- Fiscal Impact Analysis, including costs and revenues for City Services
- Sea Level Rise and Adaptation Study

Task 4: Land Use Alternatives and Urban Design, Streetscape and Open Space Standards.

The urban design standards shall address transit oriented design, including general design concepts for public spaces, street design by type and function of street, building form and orientation, street furniture, street lighting, street trees and landscaping, decorative sidewalks, utility vaults/cabinets/appurtenances, and special design treatments for spaces such as the transit stations, bus stops, and bicycle and pedestrian connections. Specific outcomes;

- Land Use and Circulation Alternatives will be presented to the Planning Commission and City Council.
- Urban Design, Streetscape and Bicycle and Pedestrian Standards
- Open Space Framework Plan (public infrastructure, public parks and private open space)

PHASE 3: UPDATE THE MOFFETT PARK SPECIFIC PLAN AND ENVIRONMENTAL REVIEW

Task 5: Develop a Draft Specific Plan

Use the analysis previously performed and input received from the public, stakeholders and decision makers. Key topics to be addressed;

- **Land Use/Housing:** Identification of land use designations, including number of units, square footage of non-residential uses, mixed use, and

employment generating land uses. Population and job projections will be included. An affordable housing strategy will also be included.

- **Transportation and Parking:** Circulation for motor vehicles, transit, bicycles, and pedestrians will be defined. New streets, paths and connections will be identified. Parking management strategies and TOD parking ratios shall be developed, based on the prior Parking Demand Analysis.
- **Public Services:** Services and infrastructure needs to implement the plan including specific policies regarding utilities, public safety, parks, schools, libraries, and cultural facilities.
- **Community Benefits Program:** A community benefits program will be developed that provides development incentives such as additional FAR for the inclusion of improvements or uses that benefit the community.
- **Connectivity Plan:** The Plan will address access to transit by walking, bicycling, driving, and transit as well as circulation for these modes throughout the plan area. A focus will be on pedestrian and bike routes of travel from transit-oriented development within one half mile.
- **Design and Streetscape Standards:** Policies and standards will be included to promote pedestrian friendly design to increase pedestrian comfort and safety in walking to the transit options.
- **Open Space Plan:** The Plan will provide for adequate public and private open space as an integral part of the conceptual land-use alternatives. Plan will address connectivity to surrounding (existing) open space facilities (e.g., Bay Trail, Baylands Park) and additional open spaces needs to support the planned land uses.
- **Implementation Plan:** Plan implementation actions and strategies will be identified, along with completion date estimates or thresholds (i.e. after development of specific percentage or number of a land use), phasing, and cost estimates. Plan will include infrastructure improvements needed for plan implementation and specific financing strategies to enable these improvements.
- **Draft Zoning and Policy Amendments.** Prepare a Draft Zoning Code that reflects the preferred draft Land Use Plan and provides implementation for the design principles included in the Draft Specific Plan.

Task 6: Program Environmental Impact Report

A Program Environmental Impact Report (EIR) will be prepared that thoroughly and adequately assess the environmental impacts of the draft update to the MPSP to comply with the provisions of the California Environmental Quality Act and the applicable regulations thereunder. The EIR is required to address the following areas:

- **Land Use Consistency and Compatibility:** The EIR will evaluate the draft Plan's compatibility with existing land uses and development patterns and evaluate the proposed plan's consistency with other adopted city plans and policies.
- **Population, Housing and Employment:** The EIR will analyze the projected population, housing and employment impacts of the draft plan.
- **Transportation and Circulation:** A traffic study will be completed to determine the draft plan's impacts to the existing and proposed roadway system, existing and proposed bikeway network, transit systems (bus and commuter rail) and pedestrians. Corridor levels of service shall be determined for regional/arterial streets.
- **Air Quality:** The plan's impact on air pollutants and their precursors as well as localized carbon monoxide impacts will be evaluated utilizing the appropriate air quality modeling tools. The analysis shall address both operational, including vehicular emissions (long term) and construction level (short term) impacts on local and regional air quality as well an analysis of impacts on sensitive receptors.
- **Noise:** The EIR will evaluate the potential impacts on ambient noise levels from any construction related noise as well as potential impacts on ambient noise from the proposed project (buildout of proposed land uses).
- **Biological Resources:** The EIR will analyze the plan's short term (construction) impacts as well as long term impacts on biological resources, including special status species.
- **Water/Wastewater:** The EIR shall analyze and address the project's construction and operational impacts to the water and wastewater systems, and water supply and wastewater capacity to serve buildout of the General Plan. A Water Supply Assessment shall be completed for the project.

- **Hydrology/Flooding:** The EIR will analyze the storm water system, potential flooding impacts and water quality.
- **Public Services:** The EIR will evaluate the potential impacts to public utilities and services, such as schools, parks, solid waste disposal, police, fire, emergency medical, and utilities.
- **Cultural and Historic Resources:** The EIR will evaluate potential impacts to cultural and historic resources.
- **Visual Quality:** Scenic, natural, cultural and historic assets will be evaluated and potential impacts of the project identified.
- **Geology and Seismicity:** The EIR will examine geologic and seismic conditions, addressing ground shaking and liquefaction potential from earthquakes.
- **Hazardous Materials/Toxics:** The EIR shall evaluate sites in the plan area which are potentially contaminated as well as risks associated with existing hazardous material uses.

Energy/Climate Change: Changes in energy consumption anticipated through implementation of the proposed land use plan shall be analyzed. Greenhouse gas emissions anticipated with the project will be included. The EIR shall analyze how future development will be affected by climate change and how implementation of the plan will affect climate change. While analysis of this topic is evolving, this EIR shall include the most current thinking and practice regarding impacts of greenhouse gas emissions.

CEQA Considerations; The EIR will evaluate significant impacts, growth inducing impacts and cumulative impacts as well as analyze project alternatives; including reduced and no project.

Certification of the EIR: Final Environmental Impact Report with Mitigation and Monitoring Program: The environmental impact report, will be presented at public hearings before the Planning Commission and City Council for consideration and certification.

PHASE 4: ADOPTION AND IMPLEMENTATION

Task 7: Adoption and Implementation

- Based on the work and findings of prior tasks, hold public hearings before appropriate Boards and Commission and the City Council for consideration of concurrent adoption of:
 - Final EIR
 - Updated Specific Plan, (as addressed in Task 5) to include at least:
 - Land Use maps and intensities
 - Community Benefit program
 - Mitigation program
 - Design Guidelines
 - Implementation program
 - Revised Zoning regulations