



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 16-0023, Version: 1

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### REPORT TO COUNCIL

#### **SUBJECT**

**File #:** 2015-7539

**Location:** 845 W. Maude Ave. (APN: 165-41-001)

**Zoning:** M-S (Industrial and Service)

**Proposed Project:** Consideration of an application for a 1.66-acre site:

**USE PERMIT** to allow construction of a 39,233 square foot four-story office/R&D building resulting in approximately 55% Floor Area Ratio (FAR)

**Applicant / Owner:** Peery-Arrillaga / Wizardly Holdings LLC

**Environmental Review:** Mitigated Negative Declaration

**Project Planner:** Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

#### **REPORT IN BRIEF**

**General Plan:** Industrial

**Existing Site Conditions:** One-story office/R&D building

##### **Surrounding Land Uses**

**North:** Office/R&D

**South:** Office/R&D across Maude Avenue

**East:** Office/R&D building under construction

**West:** Office/R&D recently constructed (former Post Office site)

**Issues:** Floor area ratio (FAR)

**Planning Commission/Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the Use Permit with the Conditions of Approval in Attachment 4.

#### **BACKGROUND**

##### **Description of Proposed Project**

The proposed project involves demolition of the existing 19,998 square foot R&D building and construction of a new 39,233 square foot, four-story office/R&D building. The project also includes a detached three-level parking garage with one level underground and two levels above-ground; recreational amenities are proposed for the top deck of the garage. The project will result in approximately 55% FAR. Currently, projects exceeding 35% FAR (or 45% with Green Building incentives) require Use Permit approval by the City Council. The Planning Commission considered the project on February 8, 2016 and recommended approval of the project with the modified conditions of approval in Attachment 4.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the project Data Table.

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

The existing building was built in 1974. No subsequent Planning permits have been submitted since then.

#### **EXISTING POLICY**

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

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

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

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

**Floor Area Ratio:** The standard FAR permitted in the M-S Zoning District is 35%. There are several zoning tools that can be used to allow the FAR to exceed the threshold:

1. A 10% FAR bonus (up to 45% FAR for this site) may be granted if Leadership in Energy and Environmental Design (LEED) certification at a Gold level is achieved; subject to a staff-level approval (no public hearing).
2. If Green Building (LEED) provisions are not used, a Use Permit or Special Development Permit may be granted by the City Council through a public hearing for projects proposed to exceed 35% FAR (unless #3 below applies).
3. Properties can be rezoned to raise the standard FAR level, which also requires City Council action at a public hearing.

The proposed project is utilizing option #2 - approval of a Use Permit by City Council. To assist the decision makers in considering approval of higher FAR developments, *Review Criteria for Projects Greater than 35% FAR* are contained in Attachment 3. These criteria were developed by the City Council in 1999 and are required findings to approve the Use Permit.

**Policies Related to Peery Park:** The project is located within the Peery Park District. The City is currently undergoing a study for a Specific Plan for Peery Park to establish land use policies for reinvestment in the area, define appropriate development standards (including FARs), develop area-wide traffic demand management (TDM) strategies, potentially establish a development reserve and cap, and plan for public infrastructure improvements. In addition, an Environmental Impact Report (EIR) is being prepared for the Specific Plan. The Specific Plan is expected to be adopted in the summer of 2016. In the absence of a Specific Plan, the project is subject to the current General Plan policies and Zoning requirements and permitting procedures.

Staff is currently reviewing an administrative draft of the Specific Plan, which includes an incentive-based program that allows higher FARs if projects exceed certain minimum requirements, such as landscaping and green building, and by providing structured parking. In addition, the subject property is located within a sub-district of the draft Specific Plan known as the "Innovative Edge", which conceptually allows for office, R&D and light industrial uses with heights up to 88 feet and six stories. The project complies with the general concepts of the draft Specific Plan as outlined further in the staff report. The Council adopted noticing and review requirements for planning applications in the Peery Park District during preparation of the plan; there was not a moratorium on considering planning applications. There are several other development proposals in Peery Park that are jointly preparing a near-term Traffic Impact Analysis (TIA) and are on hold pending completion of their TIA and the Peery Park Specific Plan. As this application does not meet the minimum size that triggers Congestion Management Program (CMP) requirement for a TIA the application has been scheduled for public hearings on the Use Permit. The net new trips associated with this project will still be included in the Specific Plan's EIR analysis of cumulative traffic impacts.

**Design Guidelines:** The project design is subject to compliance with the City's Citywide, Bird Safe Building, and Parking Structure Design Guidelines. These guidelines are referenced in the discussion and analysis.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (see Attachment 5). An Initial Study determined that construction of the proposed project has the potential to result in significant effects on biological resources (possible disturbance of nesting birds) and historic and cultural resources (possible discovery during excavation). Implementing mitigation measures during the construction phase will reduce these impacts to less than significant. The Mitigation Measures have been incorporated as Conditions of Approval (see Attachment 4).

## **DISCUSSION**

### **Present Site Conditions**

The project site 1.66 acres in size and is located on the north side of W. Maude Avenue, between N. Mary Avenue and N. Pastoria Avenue. The site is developed with an existing 19,998 square foot single-story office/R&D building sited towards the front of the property (approximately 28% FAR). Surface parking spaces and landscaping surround the building. Two existing driveways provide vehicular access to Maude Avenue.

### **Use Permit**

**Use:** The applicant proposes the construction of a Class A office building, intended for either a single R&D tenant or multiple smaller R&D tenants. Any tenant would be subject to zoning requirements for permitted uses and would be subject to the conditions of approval of this permit.

**Floor Area Ratio:** The proposed project will result in approximately 55% FAR, which is approximately 13,898 square feet more than the 35% threshold. The Review Criteria for Projects Greater than 35% FAR are located in the Recommended Findings in Attachment 3 along with staff's discussion of the criteria. Key project features meeting these criteria include high-quality architecture and site design, green building certification, and a Transportation Demand Management (TDM) Program to reduce trips generated by the project.

In staff's opinion, the proposed project is within the range of recently-approved FARs in the Peery Park District. Below is a list of Peery Park District projects exceeding 35% FAR that have been approved within the last four years. Environmental impacts, including traffic impacts, were analyzed as part of each project. TIAs were prepared for four of the eight projects listed below. Each successive TIA factored approved projects in the cumulative analysis.

<b>Address</b>	<b>Project Description</b>	<b>Approval Body, Date</b>
580 N. Mary Ave. (left side of subject property)	55% FAR- 124,000 square foot five-story office/R&D building with a 1½ story parking structure (tenant is LinkedIn).	City Council, 2/07/12
307 N. Pastoria Ave.	45% FAR- 72,000 square foot three-story office/R&D building using the Green Building incentive (tenant is Mercedes).	Staff, 4/03/12
505 N. Mathilda Ave.	96% FAR- Rezoned 14.2-acre campus to allow up to 100% FAR and approved buildings totaling 643,947 square feet and 96% FAR (tenants are LinkedIn and Apple).	City Council, 6/19/12 and 11/12/12
600 W. California Ave.	48% FAR- 106,617 square foot three-story office/R&D building was approved for an existing office campus (tenant is Walmart.com).	City Council, 10/30/12

433 N. Mathilda Ave.	53% FAR- 213,216 square foot two-story office/R&D building (under construction).	City Council, 11/19/13
645 Almanor Dr.	100% FAR- Rezoned a 8.3-acre site to allow up to 100% FAR and to allow a 172,675 square foot six-story office/R&D building five-story parking structure (tenant is St. Jude Medical).	City Council, 3/25/14
479 N. Pastoria Ave.	55% FAR- 52,394 square foot four-story office/R&D building with a 1½ story parking structure (under construction).	City Council, 7/15/14
815 W. Maude Ave. (right side of subject property)	55% FAR- 23,340 square foot three-story office/R&D building (under construction).	City Council, 8/12/14

**Site Layout:** The proposed project has been designed to comply with all current setback requirements and results in a building sited towards the front of the property with a detached parking structure tucked towards the back. The proposed building will be four-stories in height and the parking structure will contain two levels of parking with a recreational field on the third level on top. Additional surface parking will be provided around the building and new landscaping will be installed throughout the site. Two driveways will serve the site.

The project meets the Citywide Design Guidelines, as the proposed project will enhance the site and surroundings with the introduction of high-quality architecture and substantial landscaping. In addition, the proposed building will be located towards the front of the site with parking tucked towards the back of the site, which helps to soften the appearance of the parking. Existing mature trees along the project frontage will be maintained and additional landscaping will enhance the streetscape.

**Architecture:** The proposed Class A building uses high quality architecture constructed of blue and gray-colored glass and steel, and is oriented towards the front of the site. The longer side of the building is oriented almost perpendicular to the street frontage and is at an angle to the street to add architectural interest. The architectural style is considered to be contemporary and features an inverted triangular prism that spans the height of the building. The body the building is curved and roof terraces are included on all four floors. Metal mullion bands create visual separation between floors and help to create a horizontal emphasis. A roof screen is incorporated into the architecture of the building using similar materials and forms. The three-level parking garage is located towards the back of the site and is made of off-white colored concrete and a gray-colored metal mesh on the top level as a barrier for the recreational area. Additional metal material is provided along the stairwell to better-relate to the architectural materials of the main building and complies with the Parking Structure Design Guidelines (see Colors and Materials Board in Attachment 6).

The architectural style and materials are similar to the adjacent buildings on both sides. To the left is the former post office site, which features an elongated oval form with curved, green-colored glass. To the right is a building currently under construction, which has a similar oval form as the former post office building but with blue-colored glass. The proposed building features materials and roof terraces that are similar to the adjacent buildings, but introduces a different architectural form along the streetscape. It meets the Citywide Design Guidelines. The proposed building is complementary to the other buildings in the neighborhood. The building's forms provide several architectural focal points. The inverted triangular prism creates an interesting vertical feature. The roof terraces and metal mullion bands help to showcase the strong horizontal lines of the building. The front-facing orientation creates a strong sense of arrival from the street frontages.

The ends of the oval-shaped building include decorative glass, which helps to reduce glass transparency to comply with citywide Bird Safe Design Guidelines. Architectural plans, which contain perspective drawings, are included in Attachment 6.

**Landscaping:** The project is designed with approximately 22.7% of the lot area as landscaping, which complies with the 20% minimum landscaping requirement. A positive feature of the project is the recreational area on the top deck of the parking structure, which provides additional outdoor open space for tenants of the site. The roof terraces on all four floors of the office building provide additional outdoor open space.

Landscaping will be dispersed throughout the site and will include a variety of groundcover, shrubs and trees. Plant species have been designed to comply with the Sunnyvale Municipal Code (SMC) water-efficient landscaping requirements by providing 85% native, low water or no water use plants. In addition, tree placement has been designed to avoid a funneling effect towards the building, which complies with the Bird Safe Design Guidelines.

The project involves removal and preservation of several mature trees. Protected trees are defined by the Sunnyvale Municipal Code as any tree greater than 38 inches in circumference measured at 4.5 feet from the adjacent grade. An arborist report evaluated 22 trees existing on the site and identified 19 as protected and three as non-protected. All three non-protected trees are proposed for removal. Of the 19 protected trees, 14 trees are proposed for removal and five mature trees along the street frontage will be preserved. The following is a summary of the trees assessed in the arborist study:

	# Saved/ Species	# Removed/ Species & Reasons for Removal
<b>Non-Protected Trees</b>	0	3 Jacaranda trees conflict with proposed building location.
<b>Protected Trees</b>	5 Tree of Heaven, Coast Redwood, Deodar Cedar along the project frontage.	14 Olive and Camphor trees conflict with proposed building location. Silk Oak, Coast Redwoods, Privet, and Camphor trees conflict with proposed parking structure location.
<b>Total</b>	5	17

The majority of the protected trees for removal are in good condition but conflict with the location of the proposed office building and parking structure. Staff consulted with the City Arborist, who found that none of the protected trees proposed for removal are significant in stature, species or character to merit preservation.

The preliminary landscaping plan has been designed to comply with the Sunnyvale Municipal Code and Sunnyvale Tree Replacement Standards by providing nine 24-inch box trees and 17 36-inch box trees on the property. The final landscaping and tree protection plan will be reviewed by staff prior to building permit issuance.

SMC Section 19.37.070 states that at least 50% of the parking areas must be shaded within 15 years after the establishment of the lot. The preliminary landscaping plan demonstrates compliance with this requirement by providing 50% shading.

**Parking/Circulation:** SMC section 19.46.100 requires a minimum of two parking spaces per 1,000 square feet and a maximum of four spaces per 1,000 square feet, which results in a minimum requirement of 78 spaces and a maximum of 157 spaces for the project. The proposed project complies with the parking requirements by providing 144 parking spaces, most of which are located within the parking structure. The preliminary parking lot striping plan shows compliance with parking lot design requirements, such as universal stall dimensions, double-striping, wheel stops, loading space and maintenance of driveway vision triangles. SMC section 19.46.100 also requires 5 parking spaces (3% of the total number of parking spaces) to be pre-wired for electric car chargers. As conditioned, a final parking lot striping plan demonstrating conformance to

Citywide Design Guidelines and SMC Chapter 19.46 will be reviewed by staff prior to issuance of a building permit (Condition of Approval PF-2).

SMC section 19.46.150 requires a minimum of eight bicycle parking spaces to be provided, including six secured or lockable spaces and two bicycle racks. The project complies by providing 10 total parking spaces, including six lockers and four racks. The applicant proposes to place the bicycle rack near the main entrance of the building. This location complies with the Design Guidelines to encourage visibility and ease of access to the bicycle parking spaces.

**TDM Program:** The applicant has submitted a draft TDM Plan that will achieve a minimum of 20% reduction in total daily vehicle trips and a 25% reduction in daily peak hour trips. The TDM Plan consists of general measures that are based on existing and proposed infrastructure and physical attributes of the site, including proximity and access to transit, bicycle parking, bike lanes, sidewalks, and showers in the proposed buildings. The plan promotes sustainable modes of transportation, such as carpool/vanpool programs and transit subsidies. An annual report to the City is required to monitor compliance. A penalty clause for non-compliance is included; a per-trip monetary penalty would be assessed for any trips exceeding the allowable number, as determined through the annual driveway counts. Recommended conditions of approval are: a requirement to implement and manage a TDM Plan in conjunction with the occupancy of the buildings; and) requiring lease agreements to advise tenants of their responsibility to implement and manage a TDM program (see Condition of Approval AT-7).

A final TDM Plan is required to be submitted for review and approval by staff once a tenant is identified, which will be a more detailed program that is tailored to the tenant. In the absence of an adopted Specific Plan, staff recommends that the trip reduction goals noted above be incorporated into the final TDM Plan, or as required by the adopted Specific Plan (see Condition of Approval GC-5).

**Green Building:** Green building standards require non-residential construction that exceeds 5,000 square feet to attain LEED Silver level. Attaining a LEED Gold level with certification allows a 10% FAR bonus. The proposed project seeks approval of 55% FAR, which exceeds the maximum 45% FAR permitted with the bonus and requires City Council approval.

On other higher intensity developments, the City has required applicants to achieve the LEED Gold level (Core and Shell and Commercial Interiors) instead of the minimum LEED Silver level required. Exemplary design is one of the review criteria to be considered by the City Council in granting FAR over 35% and “green” or sustainable features are typically considered to be an element of design quality. The higher level will ensure that the project design is exemplary in terms of sustainability. In addition, the higher level achieves the concepts contemplated in the Specific Plan. Staff recommends that the applicant strive for Platinum level certification, but no less than Gold certification (see Condition of Approval GC-9).

The applicant has submitted a LEED checklist demonstrating that the proposed building would achieve a minimum of 66 points with the possibility of achieving 80 points (see Attachment 8). LEED Gold requires 60 to 79 points, while LEED Platinum requires 80 to 110 points. As a condition of approval, staff will work with the applicant and future tenants to comply with the green building requirements (see Condition of Approval AT-7.b).

**Stormwater Management:** The current Municipal Regional Permit for stormwater discharge requires all treatment be achieved through Low Impact Development (LID) measures such as infiltration, harvesting/use, and biofiltration and limits the use of mechanical treatment. Infiltration was found to be infeasible on the site due to soil conditions. A preliminary Stormwater Management Plan (SWMP) has been provided, which demonstrates compliance with stormwater requirements by providing planter boxes on-site, which will treat and retain stormwater on the property. In addition, permeable paving is also proposed along the surface drive aisles as an additional treatment measure. The proposed condition of approval requires third-party certification

of a final SWMP prior to issuance of building permits (Condition of Approval BP-17).

**Right-of-Way Improvements:** Currently there are no sidewalks along the property frontage. The applicant has been working closely with the Department of Public Works and the City Arborist to create a sidewalk design that complies with standard sidewalk specifications and retains the existing five large trees along the property frontage. While 6-foot wide sidewalks are generally required, the City's standard practice has been to allow 5-foot wide sidewalks when meandering around existing physical obstructions is needed, such as large trees and fire hydrants. The preliminary sidewalk design complies with this standard practice by providing a 5-foot wide meandering sidewalk along the entire project frontage in order to preserve the frontage trees. The sidewalk design also creates a seamless transition to the existing sidewalks on both sides of the property frontage. For portions of the sidewalk that are located within private property, an easement will be created to allow for public use.

### **Expected Impact on the Surroundings**

**Visual:** The proposed project is compatible with more recently approved projects and constructed within the vicinity, both in terms of architecture and massing. The contemporary architectural style includes interesting building forms and high quality materials, similar to those found in the vicinity. The proposed building is four stories in height, with perimeter trees that help to minimize the visual impact from the street. A perspective drawing is included in Attachment 6, which shows the relationship to the adjacent buildings. In addition, the building will not be visible from the nearest residential neighborhood across Mathilda Avenue (the closest residential area is ¼ mile away) and Central Expressway because the proposed building is lower in height than the existing four and six-story buildings in between. As previously discussed, the proposed project FAR is within the range of other similarly approved projects within the Peery Park District.

**Traffic and Circulation:** Cumulative, near-term impacts associated with projects within the Specific Plan for Peery Park are being analyzed as part of the EIR for the Specific Plan. Therefore, traffic impacts analyzed are limited to project-based impacts (see Attachment 5).

Development proposals require preparation of transportation impact analysis (TIA) if more than 100 net new peak hour trips in either the AM or PM peak hour are estimated. The Transportation and Traffic Division estimates that the existing site results in 47 AM and 109 PM peak hour trips. The proposed project is estimated to have 83 AM and 134 PM peak hour trips, resulting in 36 AM and 25 PM net new peak hour trips for the project. A TIA was not required and transportation impacts are expected to be less than significant. Based on review of service levels in the project area, a lack of any known unusual operating conditions of geometric hazards, and the relatively low level of trips added to the street system by the project, it is expected that the existing street system can absorb this incremental increase in traffic. With the implementation of a TDM Plan, vehicular peak hour trips and average daily trips to and from the site further will be reduced. In addition, existing public transit facilities will serve the site. The new public sidewalk along the project frontage will also help to enhance pedestrian amenities. Bike lanes exist along the Maude Avenue frontage. The additional trips associated with this project are included in a near term traffic impact analysis being prepared for six other projects in the Peery Park area.

**Citywide Development Pool:** In 1999 the City Council adopted policies for considering projects in industrial zoning districts that exceed the threshold FAR for the zone. The 26 review criteria are included in the Findings (see Attachment 3). The Council also adopted a Citywide Development Pool from which higher FAR projects would draw square footage for their project. The pool applies to industrially zoned properties outside of the Moffett Park Specific Plan area and started with 3.4 million square feet (as adjusted after the Moffett Park Specific Plan was adopted in 2004). The pool was created by credited floor area of industrial sites developed with non-industrial/office uses such as places of worship, hotels and utilities. The pool is adjusted when a Use Permit for an industrial/office project is approved, when sites are rezoned to a higher FAR and when a non-industrial use is eliminated. This project would remove 13,898 square feet from the pool, leaving a balance of about 1.39 million square feet (excludes other pending projects within the Peery Park District). The

development pool will likely be modified as part of the Specific Plan study.

### **FISCAL IMPACT**

The proposed project is anticipated to have a positive fiscal impact on the City. Redevelopment of the site as proposed will increase the assessed value of the property and is estimated to result in the City receiving an additional \$23,000 in property taxes annually. The County, school districts and other agencies would also see increased property tax revenue. In addition, the proposed Class A office/R&D building is designed to attract high-quality tenants such as corporate headquarters of technology companies. Such tenants will generate positive economic impacts by providing jobs and enhancing the image of the City. Employees that will occupy these buildings will patronize local Sunnyvale businesses, and visitors may stay in Sunnyvale hotels as well.

**Transportation Impact Fee:** Projects resulting in net new peak hour vehicle trips are subject to a transportation impact fee (TIF). The TIF is estimated to be \$39,643.34 and must be paid prior to issuance of a building permit. The TIF amount is subject to the fee schedule in place at the time of payment (see Condition of Approval BP-10.a).

**Housing Mitigation Fee:** Higher-intensity industrial projects are required to mitigate the demand for affordable housing created by the development through payment of a Housing Mitigation Fee (SMC section 19.22.035). The project was deemed complete prior to the effective date of the current housing mitigation fee (September 14, 2015). Therefore, the project is subject to the previous housing mitigation fee requirement of \$9.49 per square foot of floor area over the allowed FAR of 35%. The required fee for this development is estimated at \$135,366.52 as indicated in the conditions of approval (see Condition of Approval BP-10.b).

### **PUBLIC CONTACT**

**Outreach Meeting - October 15, 2015:** The applicant hosted an outreach meeting on October 15, 2015 within a meeting room at Columbia Middle School. Flyers were sent out to the property owners and tenants within 1,000 feet of the site and neighboring neighborhood associations, consistent with the Peery Park and citywide standard noticing practices. Four members of the public attended the outreach meeting, who were primarily property owners and tenants of industrial properties within the Peery Park District. The general consensus was that the project was an improvement over the existing development and the design was in keeping with the character of this stretch of Maude Avenue. Staff answered questions related to traffic impacts and the status of the Specific Plan.

**Planning Commission Study Session - November 23, 2015:** Staff presented the project site plan and architecture to the Planning Commission at the November 23, 2015 Study Session. Several Commissioners recommended that the applicant explore architectural treatments to the main building to soften the look of the prism feature and to create a greater visual distinction with the adjacent buildings. While the prism entry form was not modified, the applicant incorporated a gray-colored glass into the design of the entire building to help create a more horizontal orientation to the building. Commissioners expressed support about the overall design concept of the parking structure, with regards to the location at the back of the lot and the architectural relationship with the main building. The original mesh around the recreational area was blue-colored, to match the main building. Per Planning Commission's suggestion, the mesh was modified to a toned-down gray color. The applicant also made minor site modifications to address Commissioners' other comments, such as incorporating a pedestrian walkway between the parking structure and building, and incorporating decorative paving into the design of the drive aisle and surface parking spaces. The applicant also explored the option of having cross access (pedestrian) between the adjacent parcels but found it difficult to incorporate into the property with an undefined tenant. Staff finds that the modifications made to the design generally address Commissioners' comments and further enhance the project.

**Planning Commission Public Hearing - February 8, 2016:** The Planning Commission considered this project on February 8, 2016 (see Attachment 9 for draft minutes). Several questions were asked about the status and concepts being developed for the future Peery Park Specific Plan, such as FAR limits, development



reserve, and green building and TDM requirements, and about the status of funding for the Mary Avenue Bicycle Lane Project. In general, the Planning Commission expressed support for the architectural and site plan modifications made since the Study Session.

No public comments were received. The Planning Commission approved the project with a 5-1 vote (one Commissioner absent) with the following modified conditions, which are reflected in Attachment 4:

- Modify PS-1 to allow review and approval of the final exterior building materials and colors by the Director of Community Development (instead of Planning Commission),
- Add PS-2.a) to require more than five parking spaces to be pre-wired for electric car chargers (instead of the five minimum required by the Sunnyvale Municipal Code),
- Add PS-2.b) to incorporate an additional decorative pedestrian walkway between the easterly parking structure access and the office building,
- Add PS-2.c) to require at least 12 bicycle lockers (instead of the six bicycle lockers minimum required by the Sunnyvale Municipal Code),
- Add PS-2.d) to explore the option of pedestrian cross access between the subject property and two adjacent properties (acknowledging that the feasibility of this requirement will depend on the future tenant of the subject building and possible site modifications to accommodate the access), and
- Add PS-2.e) to ensure all surface driveways and drive aisles are made of pervious pavers (as shown on the site plan).

City staff and the applicant concur with the modified conditions above.

### **Notice of Mitigated Negative Declaration and Public Hearing**

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.

In addition, the project was published in the Sun newspaper, a notice was posted on-site, 209 notices were mailed to property owners and tenants within 1,000 feet of the project site, and notices were emailed to the following Neighborhood Associations: S.N.A.I.L., Stowell-Orchard, Heritage District, Morse Park, and Sunnyvale West.

### **CONCLUSION**

**Findings and General Plan Goals:** Staff was able to make the required Findings for the Use Permit. The Review Criteria for Projects Greater than 35% FAR were used to evaluate the application. Recommended Use Permit Findings and General Plan Goals are located in Attachment 3.

### **ALTERNATIVES**

1. Make the findings required by CEQA in Attachment 3, Adopt the Mitigated Negative Declaration and approve the Use Permit with the Conditions of Approval in Attachment 4.
2. Make the findings required by CEQA in Attachment 3, Adopt the Mitigated Negative Declaration and approve the Use Permit with modified Conditions of Approval.
3. Make the findings required by CEQA in Attachment 3, Adopt the Mitigated Negative Declaration and deny the Use Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

### **RECOMMENDATION**

Alternative 1: Make the findings required by CEQA in Attachment 3 to the report, Adopt the Mitigated Negative Declaration and approve the Use Permit with the Conditions of Approval in Attachment 4 to the report.

Prepared by: Noren Caliva-Lepe, Associate Planner  
Reviewed by: Andrew Miner, Planning Officer  
Reviewed by: Trudi Ryan, Director of Community Development  
Reviewed by: Kent Steffens, Assistant City Manager  
Approved by: Deanna Santana, City Manager

**ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Mitigated Negative Declaration
6. Site and Architectural Plans
7. Colors and Materials Board
8. LEED Checklist
9. Planning Commission Public Hearing Draft Minutes, February 8, 2016