

**June 10, 2008**

SUBJECT: **2007-0463: Michael Kirkish** [Applicant/Owner]: Application for related proposals on three parcels totaling 46, 212 square feet located at **408 Flora Vista Avenue, 421 South Bayview Avenue and 420 Flora Vista Avenue** (near E. Iowa Ave.) in R-2 (Low Medium Density Residential) and R-0 (Low Density Residential) Zoning Districts.

Introduction of an Ordinance **Rezone** from R-0 (Low Density Residential) and R-2 (Low Medium Density Residential) to R-1.5/PD (Low-Medium-Density Residential/Planned Development) and R-2/PD (Low Medium Density Residential/Planned Development) Zoning Districts,

Motion **Tentative Map** to subdivide three lots to eight lots,

Motion **Special Development Permit** to allow five single family homes.

REPORT IN BRIEF

Existing Site Conditions Single-family home, cottage, sheds and a duplex unit

Surrounding Land Uses

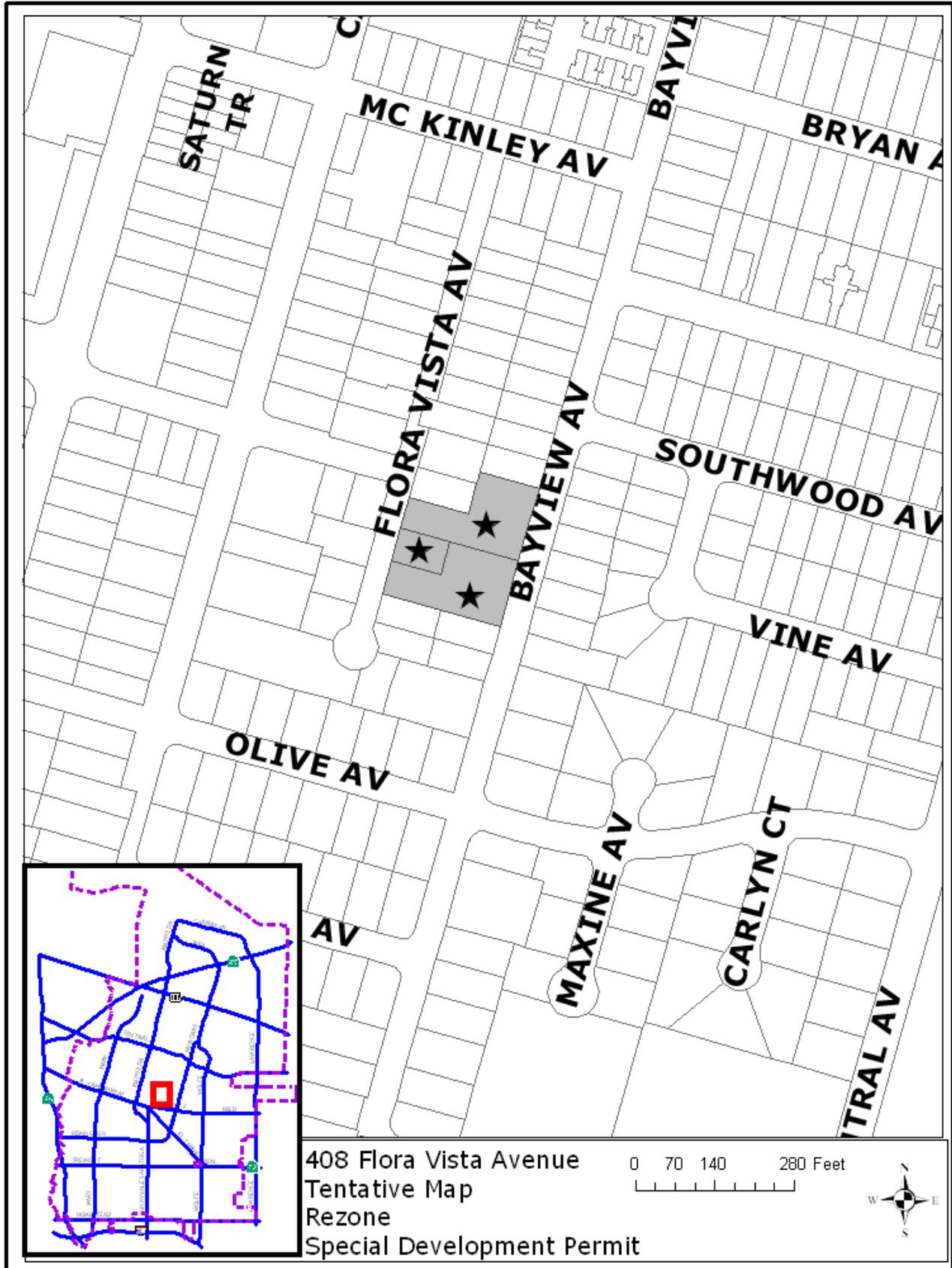
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential and Duplex

Issues Density, lot width, neighborhood character

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

Planning Commission Recommendation Approval with modifications, including reducing the project by one dwelling unit on Bayview Avenue.

Staff Recommendation Approval in accordance with Planning Commission action



PROJECT DATA TABLE

On April 28, 2008 the Planning Commission reviewed this project and recommended approval with the deletion of one lot on Bayview. The applicant has accepted the Planning Commission recommendation; the following table reflects modifications made to comply with that action.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Medium Density (R-LM) and Residential Low Density (R-LO)	Residential Low-Medium Density	By Rezone
Zoning District	<p>408 Flora Vista Avenue (existing duplex): R-2</p> <p>420 Flora Vista Avenue (pool, shed structures): R-0</p> <p>421 S. Bayview Avenue (existing residence): R-0</p>	<p>Lot 1: R-1.5/PD</p> <p>Lot 2: R-1.5/PD</p> <p>Lot 3: R-1.5/PD</p> <p>Lot 4: R-1.5/PD</p> <p>Lot 5: R-1.5/PD</p> <p>Lot 6: (removed)</p> <p>Lot 7: R-1.5/PD</p> <p>Lot 8: R-1.5/PD</p> <p>Lot 9: R-2/PD</p>	By Rezone
Lot Size (sq.ft.)	<p>408 Flora Vista Avenue: 20,421 sq. ft.</p> <p>420 Flora Vista Avenue: 5,484 sq. ft.</p> <p>421 S. Bayview Avenue: 20,307 sq. ft.</p> <p>Total: 46,212 sq. ft.</p>	<p>R-1.5 zone</p> <p>Lot 1: 5,762</p> <p>Lot 2: 5,399</p> <p>Lot 3: 5,400</p> <p>Lot 4: 5,399</p> <p>Lot 5: 5,399</p> <p>Lot 6: (removed)</p> <p>Lot 7: 5,347</p> <p>Lot 8: 5,347</p> <hr/> <p>R-2 zone</p> <p>Lot 9: 8,150</p>	4200 sq. ft. min. for R-1.5 and 8000 sq. ft. min. for R-2

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Gross Floor Area sq.ft. (including garage, excluding porches and basements)	<p>408 Flora Vista Avenue (duplex): 2,322 sq. ft.</p> <p>420 Flora Vista Avenue (cottage): 250 sq. ft.</p> <p>421 S. Bayview Avenue (existing residence): 2,218 sq. ft. (including garage)</p>	<p>Lot 1: 2,359-2881</p> <p>Lot 2: 2,322-2700</p> <p>Lot 3: 2,489-2700</p> <p>Lot 4: 2,495-2700</p> <p>Lot 5: 2,348-2700</p> <p>Lot 6: (removed)</p> <p>Lot 7: Future SDP</p> <p>Lot 8: Future SDP</p> <p>Lot 9: Future changes possible w/SDP</p>	<p>No max.</p> <p>Above 45% FAR requires PC Review</p>
Lot Coverage (%)	<p>408 Flora Vista Avenue (duplex): 11.4%</p> <p>420 Flora Vista Avenue (cottage unit): 4.6%</p> <p>421 S. Bayview Avenue (existing residence): 11.3%</p>	<p>Lots 1-5: up to 40%</p> <p>Lot 6: (removed)</p> <p>Lot 7: No proposal</p> <p>Lot 8: No proposal</p> <p>Lot 9: 29-40%</p>	<p>40% max. for R-1.5 and R-2 (two-story) zones (or 45% max. for single-story in R-2)</p>
Floor Area Ratio (FAR)	<p>408 Flora Vista Avenue: 11.4%</p> <p>420 Flora Vista Avenue: 4.6%</p> <p>421 S. Bayview Avenue: 11.3%</p>	<p>Lots 1-5: up to 50%</p> <p>Lot 6: [removed]</p> <p>Lot 7: No proposal</p> <p>Lot 8: No proposal</p> <p>Lot 9: No proposal</p>	<p>50% max. without PC review for R-1.5 zone AND 55% max. without PC review for duplex in R-2 zone</p>
No. of Units	<p>1 single-family residence, one cottage unit and 1 duplex unit</p> <p>Total: 4 units</p>	<p>5 single-family homes + 1 duplex + 2 single-family lots (no homes proposed)</p> <p>Total: 9 units</p>	<p>10 max.</p>

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Density (units/acre)	4 units/acre	9 units/acre	10 d.u./acre max. for R-1.5 zone AND 12 d.u./acre max. for R-2 zone
Meets 75% min?	No	Yes	7 min. units for all three lots combined
Bedrooms/Unit	408 Flora Vista Avenue: 2 bedrooms per unit 420 Flora Vista Avenue: 1 bedroom 421 S. Bayview Avenue: 3 bedrooms	Lots 1, 2, 5: 4 bedrooms each Lots 3, 4: 3 bedrooms each Lot 6: (removed) Lots 7 and 8: No proposal Lot 9: No plans available for changes to existing duplex	N/A
No. of Buildings On-Site	408 Flora Vista Avenue: 1 420 Flora Vista Avenue: 1 421 S. Bayview Avenue: 2	Lots 1-5: 2 buildings each (house and detached garage) Lot 6: (removed) Lots 7 and 8: No proposal Lot 9: 1 duplex building	N/A
Distance Between Buildings		Lots 1-5: 22 ft. between detached garage and single- family dwelling unit on each lot Lot 6: (removed) Lots 7 and 8: No proposal Lot 9: N/A	10 ft. min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Building Height (ft.)	408 Flora Vista Avenue: 17 ft. 420 Flora Vista Avenue: 10 ft. 421 S. Bayview Avenue: 17 ft.	Lots 1-5: <30 ft. Lot 6: (removed) Lots 7 and 8: No proposal Lot 9: No plans available to change existing 17' tall duplex	30' max.
No. of Stories	408 Flora Vista Avenue: 1 420 Flora Vista Avenue: 1 421 S. Bayview Avenue: 1	Lots 1 -5: 2 stories plus basement Lot 6: (removed) Lots 7 and 8: No proposal Lot 9: 1 story (no change proposed at this time)	2 max.
Main Building Setbacks (First/Second Facing Property)			
Front	408 Flora Vista Avenue: 20' 420 Flora Vista Avenue: 20' 421 S. Bayview Avenue: 66'	Lot 1: 20'/25' (measured at porch) Lot 2: 17'/25' Lot 3: 17'/25' (measured at porch) Lot 4: 17'/25' Lot 5: 20'/25' (measured at porch) Lots 7 and 8: No proposal Lot 9: 20'	20' min. for 1 ST story and 2 ND story R-1.5 AND R-2 zoning districts



	EXISTING	PROPOSED	REQUIRED/ PERMITTED
★ Left Side (first story/second story) <i>Excluding garage</i>	408 Flora Vista Avenue: 12'9" 420 Flora Vista Avenue: 4'4" 421 S. Bayview Avenue: 11'9" (All existing structures are single-story)	Lot 1: 4'/7'*** Lot 2: 15'/15' Lot 3: 4'/7'*** Lot 4: 15'/15' Lot 5: 4'/7'*** Lots 7 and 8: No proposal Lot 9: 12.9' ** portion of stairwell encroaches into min. 2 nd story side setback.	<i>For first story: 4 ft. min. and 12 ft. combined for R-1.5 AND R-2 zoning</i> <i>For second story: 7ft. min. and 18 ft. combined for R-1.5 AND R-2 zoning</i>
★ Right Side (first story/second story) <i>Excluding garage</i>	<i>n.a.</i>	Lot 1: 18.4'/18.4' Lot 2: 4'/7'*** Lot 3: 15'/15' Lot 4: 4'/7'*** Lot 5: 15'/15' Lots 7 and 8: No proposal Lot 9: 5'2" ** portion of stairwell encroaches into min. 2 nd story side setback.	<i>For first story: 4 ft. min. and 12 ft. combined for R-1.5 AND R-2 zoning</i> <i>For second story: 7ft. min. and 18 ft. combined for R-1.5 AND R-2 zoning</i>
Combined (first story/second story) <i>Excluding garage</i>	408 Flora Vista Avenue: 420 Flora Vista Avenue: 421 S. Bayview Avenue: (All existing structures are single-story)	Lot 1: 22.4'/25.4' Lot 2: 19'/22' Lot 3: 19'/22' Lot 4: 19'/22' Lot 5: 19'/22' Lots 7 and 8: No proposal Lot 9: 18.07'	<i>For first story: 4 ft. min. and 12 ft. combined for R-1.5 AND R-2 zoning</i> <i>For second story: 7ft. min. and 18 ft. combined for R-1.5 AND R-2 zoning</i>

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Rear <i>Excluding Garage</i>	408 Flora Vista Avenue: 20' 420 Flora Vista Avenue: 40' 421 S. Bayview Avenue: 105'	Lots 1 - 5: Approx 40' Lots 7 and 8: No proposal Lot 9: 20'	20' min. for 1 ST story and 2 ND story R-1.5 AND R-2 zoning districts
Single-Family Units: Detached Garage Setbacks			
Rear/Sideyard	408 Flora Vista Avenue: 420 Flora Vista Avenue: 421 S. Bayview Avenue:	Lot 1: 0/3 Lot 2: 0/3 Lot 3: 0/3 Lot 4: 0/3 Lot 5: 0/3 Lots 7 and 8: No proposal	10' min. rear for 1 story/ 4' min. side
Landscaping (sq. ft.)			
Total Landscaping	408 Flora Vista Avenue: 16,396 sq. ft. 420 Flora Vista Avenue: 5234 sq. ft. 421 S. Bayview Avenue: 15,242 sq. ft.	Lots 1-5: Approx. 1,800 s.f. Lots 7 and 8: No proposal Lot 9: Approx. 3,050 sq. ft.	No min. landscape area reqs. for R-1.5 zone; 850 sq. ft. Min. per dwelling unit for R-2 zone;
Usable Open Space/Unit	408 Flora Vista Avenue: 8957 sq. ft. 420 Flora Vista Avenue: 5234 sq. ft. 421 S. Bayview Avenue: 15,242 sq. ft.	Lots 1-5: Approx. 1,040 s.f. Lots 7 and 8: No proposal Lot 9: 1,525 sq. ft.	500 sq. ft. min. per dwelling unit for R-2 zoning district; no min. open space requirements for R-1.5 zone



	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Frontage Width (ft.)	408 Flora Vista Avenue: 56' 420 Flora Vista Avenue: 60' 421 S. Bayview Avenue: 120'	Lot 1: 17' Lot 2: 20' Lot 3: 17' Lot 4: 20' Lot 5: 17' Lots 7 and 8: No proposal Lot 9: 20'	15 ft. min. for R-2 zone, no min frontage strip requirements for R-1.5 zone
Parking			
Total Spaces	408 Flora Vista Avenue: 4 spaces 420 Flora Vista Avenue: 0 421 S. Bayview Avenue: 4 spaces	Lots 1-5: 4 spaces Lots 7 and 8: No proposal Lot 9: 6 spaces	2 covered spaces plus 2 uncovered spaces on driveway per unit min.
Covered Spaces	408 Flora Vista Avenue: 2 spaces 420 Flora Vista Avenue: 0 421 S. Bayview Avenue: 2 spaces	Lots 1- 5: 2 spaces each Lots 7 and 8: No proposal Lot 9: 1 space each unit (total 2)	2 covered spaces per unit min.
Uncovered Spaces	408 Flora Vista Avenue: 2 spaces 420 Flora Vista Avenue: 0 421 S. Bayview Avenue: 2 spaces	Lots 1-5: 2 spaces Lots 7 and 8: No proposal Lot 9: 4 spaces	2 uncovered spaces on driveway per unit min.
Stormwater			
Impervious Surface Area (s.f.)	Unknown	10,040 sq. ft.	No max.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

This project is a proposal to subdivide 3 existing lots to create lots for seven single-family units (five facing Bayview and two facing Flora Vista) and to retain a duplex (totaling 8 lots). The total size of all three lots combined is 46,212 sq. ft. The property is located close to the downtown core of the City in a neighborhood primarily composed of single-family homes and duplex units. The proposal includes the rezoning from R-0 and R-2 to R-1.5/PD and R-2/PD.

The original proposal was to subdivide the three lots into nine smaller lots i.e. allow 6 new single-family homes facing S. Bayview Avenue, create two single-family lots facing Flora Vista Avenue and to retain the duplex unit. The Planning Commission reviewed the application on April 28, 2008 and recommended approval of the project with the reduction of one unit (Lot 6) on the Bayview frontage. The applicant has decided to accept most of the Planning Commission's recommendations. The applicant now proposes to create eight lots ranging in size from 5,347-8,150 sq. ft.

As currently proposed, Lots 1-5 (lot 6 removed) face Bayview Avenue. The applicant has revised the plans to include dedicated driveways for each of the single-family lots (vs. the previous shared driveway design). The applicant has stated that since the redesigned lots are larger in size separate one-way driveways could be provided. Also, due to the Planning Commission's recommendation to increase the size of Lot 9 (duplex) facing Flora Vista Avenue, the applicant is contemplating more comprehensive upgrades to that property.

No overall change in permitted density will result from the proposed re-zone from R-0 and R-2 to R-1.5/PD and R-2/PD. Rezoning the lots with a PD (Planned Development) combining district could allow the project to be considered with certain exceptions to Municipal Code requirements such as setback, lot size, lot width etc and could also allow the imposition of more restrictive requirements. A Vesting Tentative Map is proposed for the creation of eight separate lots in a phased manner.

Phased Development: The three lots are owned by related individuals with one of the property owners presently living in the single family home located at 421 S. Bayview Avenue. The applicant intends to develop the project site in two phases.

- Phase 1 of the project would include the development of Lots 1-3 with the proposed single family homes. It is the applicants' desire to maintain the existing single family home through Phase 1 of construction.
- Phase 2 of the project would include the development of the remaining portion of the project, including construction of new single-family units

on lots 4 and 5 (Phase 2 includes lots 4, 5, 7, 8 see—site and Architectural Plans, Attachment C). Phase 2 would require new Special Development permits for lots 7 and 8 and could also include more extensive modifications to the duplex property. A new Special Development Permit would be required prior to development of new units on lots 7, 8 and 9 (currently has a duplex unit).

Previous Actions on the Site: No previous planning permit applications have been approved for the three lots comprising the project site.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Rezoning

Change under Consideration: The three lots comprising the project straddle the zoning boundary between R-0 and R-2 properties in the subject neighborhood. Table 1 below summarizes the existing zoning and lot sizes for the three lots comprising the entire project site.

Table 1: Existing Conditions for lots located at 420, 408 Flora Vista and 421 Bayview Avenue

Existing Lots	Site Address	Lot Size	Zoning	Max. Allowable Density (Existing)	Max no of units
1	408 Flora Vista Avenue (duplex)	20,421	R-2	1/3600 sq. ft.	5.7
2	420 Flora Vista Avenue (shed)	5,484	R-0	1/6000 sq. ft.	0.9
3	421 South Bayview (existing residence)	20,307	R-0	1/6000 sq. ft.	3.4
	Total	46,212 sq. ft.			10 units allowed

The applicant is proposing to re-zone the existing two R-0 and one R-2 lot (as shown above) to create seven R-1.5 lots and one R-2 lot. The proposed R-2 lot i.e. Lot 9, would be the location of the existing duplex facing Flora Vista Avenue. Table 2 below summarizes the proposed re-zone and includes details of proposed lot sizes and total number of units resulting from the project.

Table 2: Proposed Project (2008-0463)

Proposed Lots	Proposed Project	Proposed Lot Size	Proposed Zoning	Min. lot area per dwelling unit	Proposed Lot width	Lot width minimum per Zoning Code
1	Single family home (Phase 1)	5,762	R-1.5/PD	4,200 sq. ft.	53.35	42
2	Single family home (Phase 1)	5,399	R-1.5/PD	4,200 sq. ft.	50	42
3	Single family home (Phase 1)	5,400	R-1.5/PD	4,200 sq. ft.	50	42
4	Single family home (Phase 2)	5,399	R-1.5/PD	4,200 sq. ft.	50	42
5	Single family home (Phase 2)	5,399	R-1.5/PD	4,200 sq. ft.	50	42
7	No proposal	5,347	R-1.5/PD	4,200 sq. ft.	50	42
8	No proposal	5,347	R-1.5/PD	4,200 sq. ft.	50	42
9	Existing Duplex to be upgraded (Phase 2)	8,150*	R-2/ PD	3,600 sq. ft.	76.21	76
	Total proposed = 9 units					

In addition, the applicant is requesting a Planned Development Combining District (PD) along with the proposed R-1.5 and R-2 re-zone request. The request is a common tool utilized throughout Sunnyvale for the development of infill and small lot development projects. PD is intended to allow for flexibility in meeting the City's development standards and in some instances to place stricter controls on new development. The applicant may propose deviations to some of the zoning standards through the requested Special Development Permit.

Below are the City Council Policy Guidelines from 1998 for approving a PD zoning request:

- *To facilitate development or redevelopment of a site to improve the neighborhood.*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.*
- *To allow for the development and creations of lots that are less than the minimum size required in the base zoning district.*

The project involves an almost complete redevelopment of the project site. In order to design a residential project that maximizes the allowable density for the three lots combined and is consistent with the character of the neighborhood, certain deviations are requested to allow for design elements such as setbacks. Deviations requested for the project are discussed in the following section of this report.

Special Development Permit

Site Layout: The project site is comprised of three interior lots with frontages on both S. Bayview Avenue and Flora Vista Avenue. The subject site is located mid-block and is one of a few remaining infill development sites in the City.

Lot Size/Lot width: The applicant proposes to create five single-family lots facing S. Bayview Avenue ranging in size from 5,399 – 5,762 sq. ft (lots 1-5). The lot width for these five lots is proposed to be at least 50' (note that this lot width is an increase over the original application, in response to the Planning Commission action). The two R-1.5 lots facing Flora Vista Avenue, i.e. lots 7 and 8, would be at least 50' wide. Lot 9, as proposed, will have a lot width of 76'. Per Sunnyvale Municipal Code, the minimum lot width required for R-1.5 lots is 42'. For comparison, staff reviewed the average lot widths for other lots in the neighborhood. Table 3 below summarizes the lot width data for the immediate surrounding neighborhood of the subject project. Map 1 below identifies the specific lots that were reviewed in the neighborhood for lot size and lot width.

Map 1 showing lots reviewed in the immediate vicinity of the subject project

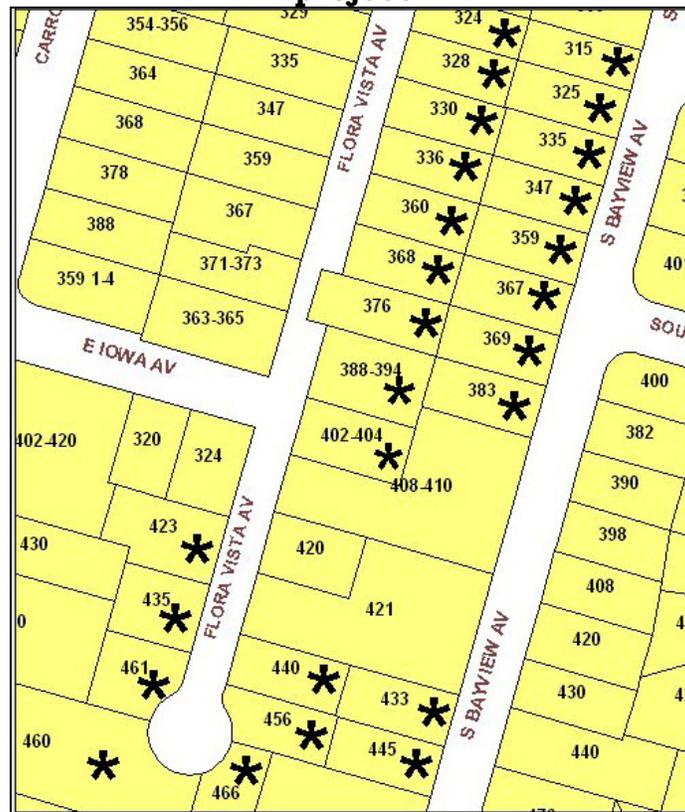


Table 3: Lot width and lot size data for lots in the surrounding neighborhood in the same block as the subject parcels

Site address	Lot Size (sq. ft.)	Lot width (ft.)	Zoning
383 S. Bayview Ave.	5,400	50	R-2
369 S. Bayview Ave.	5,400	50	R-2
367 S. Bayview Ave.	5,400	50	R-2
359 S. Bayview Ave.	5,400	50	R-2
347 S. Bayview Ave.	5,098	47	R-2
335 S. Bayview Ave.	5,098	47	R-2
325 S. Bayview Ave.	4,400	40	R-2/PD
315 S. Bayview Ave.	4,400	40	R-2/PD
324 Flora Vista Ave.	4,200	40	R-2
328 Flora Vista Ave.	4,253	40	R-2
330 Flora Vista Ave.	5,050	47	R-2
336 Flora Vista Ave.	5,050	47	R-2
360 Flora Vista Ave.	5,350	50	R-2
368 Flora Vista Ave.	5,350	50	R-2
376 Flora Vista Ave.	5,350	50	R-2
388-394 Flora Vista	7,597 (duplex)	71	R-2
402-404 Flora Vista	6,013 (duplex)	56	R-2
433 S. Bayview Ave.	5,375	50	R-0
445 S. Bayview Ave.	5,225	50	R-0
440 Flora Vista Ave.	5,370	50	R-0
456 Flora Vista Ave.	4,948	50	R-0
466 Flora Vista Ave.	5,616	45	R-0
460 Carroll Street (on Flora Vista cul-de-sac)	28,158	84	R-0
461 Flora Vista Ave.	5,510	62	R-0
435 Flora Vista Ave.	5,534	67	R-0
423 Flora Vista Ave.	7,483	67	R-0
		Avg lot width = 46.75	

Table 4: Selected Single-Family Subdivision/Zoning Requirements

	Minimum Lot Size (s.f.)	Minimum lot area per dwelling unit (s.f.)	Minimum width of an interior lot (ft.)
R-0	6,000	6,000	57
R-1.5	4,200	4,200	42
R-2	8,000	7,200	76

Staff's analysis of other lots in the immediate vicinity of the subject lots indicates that the average lot width of the surrounding parcels is approximately 50 ft. Staff also noted that although the minimum lot size required in the R-2 zone for interior lots is 76 ft., the majority of R-2 lots in this neighborhood are legal non-conforming lots with widths ranging from 40-50 ft. Also, the minimum lot width for R-0 lots is 57 ft. for interior lots but the majority of the surrounding R-0 lots are legal non-conforming as well. Staff also noted that most of the surrounding R-0 and R-2 lots have sub-standard lot sizes.

The revised design of the proposed subdivision meets the minimum lot size and lot width requirements for the R-1.5 zoning district (Lots 1-8, Lot 6 removed). Since PC hearing, the proposed R-2 lot, i.e. Lot 9 with the duplex unit, has been redesigned to meet the lot width and minimum lot size criteria as well. Lot 9 is 8,150 sq. ft. in size whereas the minimum lot size for R-2 is 8,000 sq.ft.

Layout: The residential units facing Bayview Avenue have been redesigned from shared driveways between two adjacent detached single-family units to adjacent individual driveways; detached garages are located at the rear of the property to match the character of the surrounding neighborhood. During a site visit, staff noted that several homes in the neighborhood had detached garages at the back of the property. The shared driveway layout (as originally proposed at PC hearing) minimizes the amount of impervious surface required on the site. The individual driveways allow for full use of the driveway by a resident and minimize impacts when the neighbor is using the driveway. The Planning Commission favored the shared driveway; several neighbors stated a preference for individual driveways.

The proposed single family homes on lots 1-5 are two-story with a basement and have porches in front of all units. The subject proposal does not include the designs for future homes to be located on Lots 7 and 8 facing Flora Vista Avenue. A separate Design Review application would be required for those homes at a future date.

The applicant originally proposed an exterior facelift and upgrades to the duplex on lot 9; however, now that there will be a larger lot, the applicant is contemplating more extensive upgrades. This effort would be subject to approval of a separate Special Development Permit. The applicant proposes, at a minimum to provide additional uncovered parking in the right side yard area of lot 9 to meet City code requirements.

Floor Plan: The development offers two different styles of units i.e. Plan 1 and Plan 2, each with four bedrooms and three bathrooms not including the basement. The original units range from approximately 2,263 sq.ft. to 2,278 sq.ft. in size including garages but not including the basement. *Revised architectural plans are not available;* the applicant has indicated that the units

will not exceed the 50% FAR standard, which could result in homes 2700-2881 s.f. Staff is recommending that at least 120 s.f. be reserved for future accessory utility structures (i.e. sheds, gazebos, etc.). The proposed homes on lots 1, 3 and 5 have the same floor plan layout (Plan 1); similarly, the proposed homes on lots 2 and 4 have the same floor plan (Plan 2). Differences are noted within the layouts of the patio areas provided for each unit. Each unit contains a storage area (or basement/crawl space as noted on the plans) in the basement that is proposed to be used as a recreation area and includes a bathroom. Basements extend approximately 2 feet above the finished grade.

Driveways: As discussed previously, the project was originally designed using a 'shared driveway' configuration for single-family units facing S. Bayview Ave. The revised driveway proposals have retain the flared configuration at the street, and a 10 foot wide drive aisle back to the apron in front of the detached garage. Per the Zoning Code, the minimum driveway width required for a one-way driveway is 10 ft. and for a two-way driveway is 18 ft. During the neighborhood outreach meeting, the neighbors voiced concerns regarding the maneuverability of cars in the previously proposed driveways.

A one-way driveway layout (less than 18-feet wide), as currently proposed, would not allow two cars to pass through the driveway side by side at the same time in the portion of the driveway between the homes (Site and Architectural Plans, Attachment C). At the rear portion of lots 1-5 the driveways widen significantly and provide enough room for two cars to be parked side by side in the area in front of the detached garages. If shared driveways are approved (per the Planning Commission action), staff has included a condition of approval requiring that no cars shall be allowed to park in the shared driveway area between the single family homes on lots 1-5 facing Bayview Ave.

Stormwater Management: Staff has encouraged the applicant to reduce the amount of impervious surface on site as much as possible. The applicant has proposed that the courtyard area in front of the detached garages would incorporate pervious paving to allow the percolation of water to the ground. The shared driveways minimize the amount of driveway required to access the lots facing Bayview. The applicant indicates that the individual driveway design would include pervious pavers to minimize run-off. Based on the information provided by the applicant and staff's analysis, the project would add or create more than 10,000 sq. ft. of impervious surface on the project site. Required stormwater control measures would include site design, use of vegetated swales, and other treatment devices. Staff has included a condition of approval requiring that within 60 days of planning project approval, a preliminary Stormwater Management Plan prepared by a certified professional shall be submitted for the subject project for all 8 lots comprising the project site area.

Easements and Undergrounding: Staff has included a condition of approval requiring that all existing and proposed utilities shall be undergrounded, including boundary lines and service drops. The applicant shall be required to construct new curb, gutter, sidewalk and driveways along the entire Bayview project frontage per Department of Public Works' standards.

Architecture: The five proposed single-family homes facing S. Bayview Avenue have been designed using a classic Bungalow style of architecture and incorporate Craftsman style details as seen in the front façade. The homes have small front porches with distinctive square pillars and 5:12 pitch roofs. The homes offer a variety of interesting elements along each façade including horizontal siding, stucco, stone veneer for column bases a variety of window treatments. Gabled and hipped roof elements help break up the mass of the structure. Brackets are also incorporated to add relief along the roof line. Prior to preparation of the staff report revised plans reflecting the larger lot sizes were not available. The character of the architecture will be similar to the original plans; condition of approval 4.D. requires the architecture to be similar in character to the plans reviewed at the Planning Commission hearing of April 28, 2008.

The proposed single family homes are two stories tall with a basement that is partially underground. The units reach a peak of approximately 27' in height as measured from the top of curb. Due to pending changes in unit sizes, the roof peak may be slightly higher. Staff has also included a condition requiring that colors and materials for the single family homes shall be approved by the Director of Community Development prior to applying for building permits.

The detached garages proposed at the rear of lots 1-5 have been designed with stucco facades with partially glazed garage doors. These two-car garages are approximately 427 sq. ft. in size each and would be 13'3" tall as measured from the top of adjoining finished grade. These garages are proposed to be built at the rear property line with no setback. The applicant is requesting that an exception be granted from the minimum rear setback requirement as part of the SDP approval. Staff noted that the detached garages would abut property owned by the applicant i.e. lots 7, 8 and 9 and a duplex unit at 402 Flora Vista Ave., also owned by the Kirkishes.

No fences are proposed to be built in front of the homes facing Bayview Ave. The applicant has indicated that 6 ft. tall fences are proposed to be built along the side property lines at the far left and far right of the project frontage on Bayview. The side property line fences are proposed to be located outside the 20 ft. front setback area. Staff has included a condition of approval requiring that the applicant shall submit plans and elevations showing the location, appearance and height of fences to be located on lots 1-5, prior to applying for building permits.

Landscaping: The existing landscaping on site consists of nine significant trees with trunk diameters over 12", 14 trees with trunk diameters over 4", grasses and small shrubs. Sunnyvale Municipal Code defines significant trees as trees that have a circumference over 38" or more (which is equivalent to a diameter of about 12" or more), measured 4½ feet above the ground. A tree evaluation report prepared by a certified arborist was submitted by the applicant; the report confirms that all protected trees on site will have to be removed in order to implement the proposed design (Attachment H, arborist Report for the Project Site). Staff noted that the trees located on proposed lots 8 and 9, i.e. trees numbered 17, 18, 19, 20, 21, 22, 23 would not require removal until Phase 2 of the design is implemented (per Tree Nos. on Tree Inventory table, pages 5 and 6 of Attachment H, Arborist report). Since no plans have been submitted for the homes to be built on Lots 8 and 9, the decision to remove those trees could be made in conjunction with the Design Review application for those lots. Staff has included a condition stating that only trees located on lots 1-5 shall be allowed to be removed in conjunction with the subject project and that the removal of these trees should be phased with the construction of units.

The applicant has submitted a detailed landscape plan for lots 1-5 of the project area (Site and Architectural Plans, Attachment C). Five 24-inch box trees are proposed to be planted in the front lawn area of the single family homes on Bayview, one in front of each home. Additionally, several 5-gallon and 1-gallon size trees and shrubs are proposed to be planted on the sides of the homes adjacent to the driveways and in the lawn area at the back of the lots. The landscaping plan currently shows an uncovered parking area, one on each side of the detached garages at the back. Staff recommends that the paved area on site be reduced by removing this uncovered parking stall and converting it to lawn area. As currently proposed, the area in front of the detached garages provides ample room for two cars to be parked there. Staff has included a condition requiring the removal and replacement of the uncovered parking area with grasses and shrubs, adjacent to the detached garages on lots 1-5.

Parking/Circulation: The project complies with the parking requirements by providing two covered and two uncovered parking spaces per unit facing Bayview Avenue. The uncovered parking spaces are located in front of the detached two-car garages at the back. As discussed previously, the project was previously designed with a shared driveway configuration with 11 ft. wide driveways to be shared between two homes on the Bayview frontage. The driveways were designed to be larger than the minimum required for a one-car driveway but are smaller than a two-car driveway. Consistent with the Planning Commission action, staff has included a condition of approval requiring a 11 foot wide shared driveway and that no cars shall be allowed to park in the shared driveway area between the single family homes on lots 1-5

to ensure that the driveway is available for cars to pass through at all times. Should the Council desire the independent driveway configuration as currently proposed by the applicant, staff recommends adding a condition for permeable pavers for the entire driveway area and/or “Hollywood” style driveways with the middle portion unpaved.

The duplex facing Flora Vista Avenue is currently deficient in parking with 2 covered parking stalls available on site where the minimum required is 4 covered and 4 uncovered parking stalls. With the revised lot line configuration proposed by this project, lot 9 will have a larger right side yard area as shown on plans. The applicant proposed to provide four uncovered parking stalls on site by adding two additional parking stalls in the front yard of Lot 9. As a result, the parking on lot 9 would have a deficiency of 2 covered parking stalls. It is staff’s opinion that due to limitations imposed by the configuration of the existing duplex building on Lot 9, it would be difficult to provide 2 additional covered parking stalls on site. The current proposal although not up to Code would improve the on-site parking situation on Lot 9. Since the Planning Commission hearing the applicant is now considering possible further upgrades to the site, which would require a separate Special Development Permit (SDP). Final configuration and number of spaces can be addressed through this future SDP.

Solar Shading: The solar shading plan submitted by the applicant indicates that approximately 11% of the roof of the neighbor’s property located at 383 S. Bayview Avenue would be shaded by the single family home proposed to be built on Lot 1 of the project site. With the redesign of the project the home will now shade less than 10% of the adjacent roof. Sunnyvale Municipal Code limits the maximum amount of shading allowed on a neighbor’s property to 10% of the rooftop area to allow private property owners to maximize their access to solar power, should they decide to install solar panels on the roof. Exceeding the 10% threshold, would require approval of a variance.

Compliance with Development Standards/Guidelines: As discussed previously, the site meets most development standards except for the following:

- Front yard setbacks for lots 2, 3 and 4 on S. Bayview Ave are 17’ instead of the required 20’.
- Parking deficiency for the existing duplex on lot 9 facing Flora Vista Avenue – lot 9 would be improved to have 2 covered parking stalls where the minimum required is 4 covered and 4 uncovered parking stalls.
- Detached garages on lots 1-5 are located at 0 setback from the rear property line and 3 feet from the side property line.

The two story homes on Lots 1-5 include a small architectural projection for the stairway on the second floor. If measure from this portion of the building the units do not meet the minimum min. 18' combined setback requirements. As currently designed, the stairwell does not extend all the way up to the second floor and is 16'4" tall as measured from finished grade (Site and Architectural Plans, Attachment C). In staff's opinion, since the stairwell is not a two-story element, the visual impact of this encroachment into the second story setback area would be minimal and is not considered a significant deviation.

The applicant has worked with staff to design the project in a way that deviations from zoning code requirements would be minimized. With the acceptance of the Planning Commission recommendation to delete one lot, there are fewer deviations than previously contemplated. In staff's opinion the exceptions requested by the applicant as noted above would not have any significant negative impacts on surrounding property owners. During site visit, staff noted that several homes in the neighborhood have been designed with encroachments into the required 20 ft. front yard area. The proposal for detached garages is in keeping with the general character of other homes in the neighborhood.

Expected Impact on the Surroundings: The proposal would allow for an increase in density of the site from one single family home and a duplex as currently exists to potentially seven single family homes and one duplex unit, adding up to a total of 9 units. Although this may seem like a significant change, currently the maximum allowable density of the three lots combined is 10 units and would allow for duplex development on a portion of the site on both Flora Vista and Bayview Avenue. The proposed re-zone request would not change the overall density currently allowed by combining the three lots and proposed single-family homes facing Bayview.

The proposed density is in character with general pattern of the neighborhood. Visually, the new units will have an impact to the area as compared to the existing one-story home that currently sits on a large portion of vacant property. Other two-story homes are located nearby that compare similarly in overall height to the proposed two-story single family homes. As noted in the report, the architecture introduces high quality materials and design that should have a beneficial impact to the surrounding neighborhood. The proposed landscaping will significantly enhance the overall appearance of the streetscape. In addition to a visual change to the character of the site, certain privacy and traffic impacts to the area are expected. There will be additional new trips associated with the new two-story units; however, the Transportation Division of the Public Works Department has determined that the project does not warrant a special study to evaluate traffic impacts that would result from

the proposal. The street width is considered adequate for additional trips and parking.

Tentative Map

Description of Tentative Map: The total size of the three parcels combined is approximately 46,212 sq. ft. The vesting tentative map currently under review proposes to subdivide three lots to create eight lots ranging in size from 5399 – 8150 sq. ft. in size. The applicant proposes to develop the lots in two phases:

- Phase 1 of the project would include the development of Lots 1-3 with the proposed single family homes.
- Phase 2 of the project would include the development of the remaining portion of the project, including construction of new single-family units on lots 4 and 5 (Phase 2 includes lots 4, 5, 7, 8 see—site and Architectural Plans, Attachment C).

Phase 1 of the map would have to be recorded within two years of the date of approval of the project. The applicant can request up to a maximum of three extensions of one year each adding up to a total of 5 years for Phase 1 of the project. Granting of an extension is discretionary and may trigger additional review at the time. Final recordation of Phase 2 of the map will have to be completed within a maximum of ten years from the date of project approval subject to the granting of extensions.

Connections to utilities will be done in accordance with City standard specifications. All required public right-of-way improvements will be completed per specifications of the Department of Public Works.

If the project is approved as recommended by Planning Commission, staff recommends a condition of approval requiring that a Maintenance Agreement be reviewed and approved by staff for the joint use and maintenance of the shared driveways and common open space between the units. If independent driveways are approved, such agreement will not be required.

Fiscal Impact

Transportation/Park/Housing Fee: No fiscal impacts other than normal fees and taxes are expected. A traffic impact fee will be assessed for the net gain of five units resulting in an estimated fee of \$10,412.43. This would be re-calculated at the time of actual payment of fees based on current fee schedules at that time.

The Park Dedication in-lieu fees are required for the five additional units proposed to be added for an approximate fee of \$65,340. Park dedication fees must be paid prior to recordation of the final map.

Public Contact

Neighborhood Outreach Meeting: In November 2007, the applicant had organized a neighborhood outreach meeting to inform the neighbors of their intent to re-develop the subject site and to present the proposal for neighbors' feedback and comments. Approximately 30 residents and property owners attended the meeting. Several issues were raised by the attendees including concerns about the number of units facing Bayview, impacts to on-street parking, width of the proposed lots and width of the proposed shared driveways. The applicant responded to the issues and first attempted to address some of the neighbors' concerns by redesigning the driveway to have a 'flared configuration', reducing the size of the units and increasing the second story setbacks to meet code requirements. Separate driveways are now proposed.

Planning Commission Study Session: The project was presented to the Planning Commission at a study session held on April 14th, 2008. At the study session, Commissioners had a variety of opinions regarding the project. Concerns were noted regarding the width of the proposed lots 1-6, amount of impervious surface, reduced setback for the front porch. Although meeting requirements, a concern was noted regarding parking on Bayview Avenue and the potential for spillover. Since the Planning Commission study session, the applicant has updated the site plan to reflect the flared driveway configuration and clarified that the proposed FARs of the single family homes facing Bayview Avenue do not exceed 50% as required by Code. Additionally, area at the rear of the site has been increased by removing the extra uncovered parking space to provide more open space.

Planning Commission Hearing: The Planning Commission held a public hearing on April 28, 2008 for the project. The applicant and the civil engineer clarified design and layout details pertaining to the subject project. Three members of the public addressed the Planning Commission during the hearing. Speakers expressed concern regarding the number of units facing Bayview Avenue, the shared driveways and the applicant's requests for deviations; one of these speakers provided copies of a form letter that was signed by 72 members of the public. One speaker stated that he/she was comfortable with the number of dwelling units on Bayview. The Planning Commission voted 7-0 to approve the project with modifications including:

- Allow five new single family homes on Bayview with 50 foot lot widths; have single-family lots on Flora Vista with a similar width; and, increase the size of lot 9 (duplex lot).
- Provide a maximum of three driveways with 11 foot width; paved areas in front of the garages would be made of pervious materials to allow stormwater runoff
- Clarify that lots 7 and 8 are intended for single-family homes

- Allow up to 50% FAR for each lot, and address privacy and the planned architectural details
- New trees added shall be native species and as large as appropriate for placement on the lot

Detailed Planning Commission Minutes have been included as Attachment L.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 92 notices mailed to property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Discussion: Staff finds that the recently incorporated changes to the plan have enhanced the overall project. The reduction of number of units, unit sizes and increase of second story side setbacks improve the project to reduce the visual impact of the new units on the surrounding homes. The proposed density is consistent with the current zoning and General Plan designation of the three lots. Staff's recommendation for increased landscaping along the western and eastern perimeter of the site i.e. on lots 1 helps visually buffer the neighboring development and addresses privacy impacts.

The proposal includes requests for setbacks and specific exceptions to allow the covered parking non-conformity for the existing duplex to remain. Staff notes that the proposal is similar to other recently approved developments related to these standards. In certain respects, the subject project would be more in compliance than other approved projects.

The design for 50 ft. wide lots with five single family homes on the Bayview frontage instead of six, allows larger homes to be built than previously proposed. The shared driveway configuration would be possible for two pairs of units. Staff believes that the merits of the project as proposed are the design, site layout and configuration of the proposed homes and the fact that the overall density of the project site area is not being exceeded.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit,

Tentative Map and Re-zone application. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Adopt the Negative Declaration and introduce an Ordinance to Rezone 421 S. Bayview Avenue, 408 and 420 Flora Vista Avenue from R-2 and R-0 to R-2/PD and R-1.5/PD and approve the Vesting Tentative Map for lots 1-9 (excepting lot 6) and approve the Special Development Permit for five new single family homes on lots 1-5 and with attached conditions, all as recommended by the Planning Commission
2. Alternative 1, with independent driveways for the units on Bayview Ave (and delete Conditions of Approval 3.A. and 10.A.).
3. Adopt the Negative Declaration and introduce an Ordinance to Rezone 421 S. Bayview Avenue, 408 and 420 Flora Vista Avenue from R-2 and R-0 to R-2/PD and R-1.5/PD and approve the Vesting Tentative Map for lots 1-9 and approve the Special Development Permit for six new single family homes on lots 1-6 and with modified conditions.
4. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone 421 S. Bayview Avenue, 408 and 420 Flora Vista Avenue from R-2 and R-0 to R-2/PD and R-1.5/PD and deny the Vesting Tentative Map and Special Development Permit for six new single family homes on lots 1-6.
5. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1, approve in accordance with the Planning Commission action.

Reviewed by:

Hanson Hom, Director Community Development

Prepared by: Surachita Bose, Project Planner

Reviewed by: Trudi Ryan, Planning Officer

Approved by:

Amy Chan

City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Original Justifications from the applicant
- F. Photos of the surrounding neighborhood submitted by the applicant
- G. Draft Rezoning Ordinance
- H. Arborist's report submitted by the applicant
- I. Aerial view of surrounding neighborhood
- J. Assessors Parcel Map of subject site and surrounding neighborhood
- K. Sample of letters from neighbors
- L. Planning Commission Minutes, April 28, 2008
- M. Updated comments from the Applicant (dated May 14, 2008)
- N. Applicant response to neighborhood letters (dated May 14, 2008)

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Housing and Community Revitalization Sub-Element

Goal D *Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

Policy A.2 All new residential developments should build at least 75 percent of the permitted density

Policy C.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

Land Use and Transportation Element

Goal C *Ensure Ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.*

Policy N1.2 Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.

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

The project meets the City's General Plan objectives by creating additional residential units which promote housing goals that encourage home ownership opportunities in the City. The architecture introduces high quality materials and design that should have a beneficial impact to the surrounding neighborhood. The proposed landscaping will significantly enhance the overall appearance of the streetscape as well as partially buffer impacts to neighboring properties.

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.

The proposed redevelopment will visually improve the property and as conditioned, the proposal will not impair surrounding development. The

proposal would allow for an increase in the number of units on site from one single family home and a duplex as currently exists to potentially seven single family homes and one duplex unit, adding up to a total of nine units. Although this may seem like a significant change, currently the maximum allowable density of the three lots combined is 10 units including additional duplex opportunities. The proposed re-zone request would not change the overall density currently allowed by combining the three lots.

The proposed density is in character with the general pattern of the neighborhood. Other two-story homes are located nearby that compare similarly in overall height to the proposed two-story single family homes. In addition to a visual change to the character of the site, certain privacy impacts to the area are expected. The applicant has provided ample covered and uncovered parking areas on the lots facing Bayview Avenue. The parking non-conformity of the duplex facing Flora Vista will be improved by the proposal to add two additional uncovered parking stalls on site.

Recommended 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

Recommended Conditions of Approval - Special Development Permit

Note: these recommended conditions include the additional conditions recommended by the Planning Commission and corrections identified by staff. Previous text from the Report to Planning Commission dated April 28, 2008 to be removed is in ~~strikeout~~, new language is underlined.

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved at staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project with an annotated set of comments where conditions are met on the plan set.
- C. The Special Development 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.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- E. A preliminary Stormwater Management Plan prepared by a certified professional shall be submitted within 60 days of the approval of the planning permit by City Council.
- F. A third party certified Stormwater Management Plan shall be submitted at the time of submittal for building permits. The plan is subject to approval by the Director of Community Development. The building permit improvement, landscape, and grading plans shall include a statement of no conflict from the certified stormwater engineer in accordance with an approved stormwater management plan.

- G. Specific deviations allowed with this Special Development Permit are as follows:
1. Front yard setbacks for units 1, 3, 5 facing S. Bayview Ave.
 2. Rear and side yard setbacks for detached garages
 3. 2 covered parking and 4 uncovered parking spaces for the duplex unit
 4. ~~Min. lot size deviation for Lot 9 facing Flora Vista Ave. (duplex lot).~~
 5. Side yard setbacks for stairwells.
- H. Remove lot 6 and allow five new single family homes on lots 1-5 on Bayview, with a maximum of three shared driveways.
- I. Adjust lot widths for lots 7-9 so that more space is available for lot 9 and lot widths for 7 and 8 are consistent with the neighborhood.
- J. Single-family homes are permitted on lots 7 and 8, subject to approval of a separate Special Development Permit
- K. Driveway widths for the single-family homes on Bayview will be 11 feet and the paved areas in front of the garages would be made of pervious materials for stormwater runoff and if other stormwater runoff requirements are needed in the future then additional requirements can be added.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

3. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)

- A. A Maintenance Agreement for upkeep and maintenance of the shared driveways and landscaping between the units shall be developed and provided to the City for review and approval. The Maintenance Agreement shall be recorded with the County and a copy of the recorded agreement shall be submitted to the Planning Division prior to the issuance of the Final Map. *(may be deleted if individual driveways are approved)*
- B. 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 prior to recording with appropriate real estate agencies.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle or of equivalent quality and dimension, or as approved by the Director of Community Development.
- ~~C.~~ The duplex located at 420 Flora Vista Avenue shall be upgraded during phase 2 subject to approval of a new Special Development Permit. Any minor upgrade that includes with new exterior paint, removal and/or screening of trash enclosures and additional landscaping shall be provided as required may be approved by the Director of Community Development; major upgrades will require a Special Development Permit approved at public hearing. The applicant shall submit plans showing the proposed changes to the existing duplex prior to applying for building permits for homes on lots 7 and 8. Improvements (major or minor upgrades) to the duplex shall be completed prior to occupancy of homes on Lots 7 and 8. Exterior facelift and site upgrades to Lot 9 shall be completed at the same time as the construction of units on Lots 1-3 of the project.
- D. Single-family units (Lots 1-5) shall not exceed 50% FAR (Floor Area Ratio), allowing for future accessory utility structures of at least 120 s.f. Except as modified below, final architecture shall be consistent with the style and character reviewed at the Planning Commission hearing of April 28, 2008.
- E. Provide architectural details that add differentiation to the homes including window and door styles, rafter details, garage door styles, molding used on the buildings, garage building styles which contribute to increasing the architectural detail;
- F. Address the privacy issues for the second story windows on both the northern most and southern most houses on Bayview, and also in the future the northern and southern houses on Flora Vista when those plans come through. Designs are subject to review and approval of the Director of Community Development.

5. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features. Exterior window units are not allowed.
- B. All proposed air conditioning units shall be required to meet minimum setbacks of the underlying zoning district. Plans

submitted for building permits shall identify the location and size of proposed air-conditioning units.

- C. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development. Outdoor storage of trash is prohibited at all time.

6. FEES

- A. Pay Traffic Impact fee estimated at \$10,412.43, prior to issuance of a Building Permit. (SMC 3.50)
- B. Pay Park In-lieu fees estimated at \$65,340, prior to action on the Final Map or Parcel Map. (SMC 18.10)

7. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development. Plans shall identify the design, location and height of fences on lots 1-6 at the time of applying for building permits. The fence design and location approved in Phase 1 of the project shall apply to Phase 2 of the development.
- B. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height. Side yard fences outside the required front yard area designed to not exceed 6 ft. in height, may be built without further planning permits; fences in excess of 6 ft. must comply with zoning code provisions for fences.
- C. No front yard fences shall be built as part of this project.
- D. Chain link and barbed wire fences are not allowed in residential areas.
- E. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a "vision triangle" (For definition, refer to Vision Triangle brochure or SMC 19.12.040(16), SMC 19.12.050 (12))

8. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
1. As part of the Special Development Permit for the duplex unit in phase 2 (refer COA 4C.), a detailed landscaping plan shall be submitted for lot 9 of the project showing the location, species and size of trees and shrubs proposed to be planted on the lot. The landscape plan shall include details of the total amount of landscaping and open space provided on the lot. The total

landscaping on Lot 9 must be equal to or more than 3200 sq. ft. with 1600 sq. ft. of usable open space as originally proposed.

- B. Decorative paving as required by the Director of Community Development to distinguish entry driveways, pedestrian paths and common areas. The uncovered parking area in front of the detached garages shall incorporate pervious paving to allow for water percolation.
- C. Additional 24-inch box size trees shall be planted along the right side property line on Lot 1 and along the left side property line on Lot 9 to provide additional privacy to the neighbors.
- D. The proposed uncovered parking area adjacent to the detached garages on lots 1-5 shall be removed and replaced with small trees, grasses and shrubs.
- E. ~~The English Walnut trees (tagged 7 and 8 per Arborist's report) located on lot 9 behind the duplex shall not be removed.~~ The trees numbered 7 and 8 (per Arborist's report) located on lot 9 behind the existing duplex shall not be removed.
- F. Only the trees located on lots ~~1-6~~ 1-5 shall be allowed to be removed in conjunction with the subject project and their removal shall be phased with the development of units.
- G. The trees located on lots 8 and 9, (trees ~~tagged~~ numbered 17, 18, 19, 20, 21, 22, 23 per Arborist's report) shall not be removed. Decision on tree removal for lots 8 and 9 shall be made in conjunction with Special Development Permit applications for homes on those lots at a future date.
- H. Provide rigid 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.
- I. The tree protection plan shall remain in place for the duration of construction.
- J. 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 approval.
- K. Provide separate meter for domestic and irrigation water systems.
- L. The landscape plan shall include street trees and shall be submitted and approved per the City Arborist.
- M. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.

- N. 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.
- O. 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.
- P. 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 19.38.070) prior to issuance of a Building Permit.
- Q. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- R. All areas not required for parking, driveways or structures shall be landscaped.
- S. New trees added shall be native species and as large as appropriate for placement on the lot.

9. ON-SITE AMENITIES

- A. Swimming pools, pool equipment structures, play equipment and other accessory structures, 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 through the Miscellaneous Plan Permit (MPP) process.

10. PARKING

- A. The common driveways between units 1 and 2, 3 and 4, 5 and 6 shall be maintained clear of any obstruction and **shall not** be used to park cars at any time. *(note, this condition can be eliminated if individual driveways are approved)*
- B. No parking space shall be offered for rent by the property owners.
- C. Garage spaces shall be maintained at all times so as to allow for parking of two automobiles.
- D. 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.

11. RECYCLING AND SOLID WASTE

- A. Remove all debris, structures, area light poles, and paving from the site prior to commencement of new construction.

12. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

13. SOLAR ENERGY

- A. ~~The applicant shall either apply for a variance from shading requirements to be considered at a separate Planning Commission hearing or submit revised plans (with solar study calculations) indicating that the rooftop shading on the neighbor's property located at 383 S. Bayview Avenue does not exceed 10% of the area of the roof. (Note, revised plans address this requirement)~~

14. STORAGE

- A. For the duplex unit on lot 9, all unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
- B. For the duplex unit on lot 9, unenclosed storage of any vehicle shall be prohibited.
- C. For the duplex unit on lot 9, all exterior trash shall be confined to approved receptacles and enclosures.

15. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded.
- B. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- C. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- D. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- E. A copy of an agreement with affected utilities companies for undergrounding all existing and proposed overhead service drops to

the building shall be provided to the Director of Community Development prior to issuance of a Building Permit.

16. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on Vesting Tentative Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Demolish existing buildings prior to recording the final map in each phase.
- C. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit.
- D. Final map recordation for Phase 1 of the project shall be completed within 2 years of the date of this approval unless an application for extension is received prior to the 2-year deadline. Final map recordation for Phase 2 of the project shall be completed within 2 years of the recordation of the map in Phase 1 unless an application for extension is received prior to the 2-year deadline. A maximum of three extensions of 1-year each may be granted in each phase; granting of extensions is discretionary.
- E. Provide cross-easements for all utilities and access crossing property lines.
- F. Construct new curb, gutter, sidewalk and driveways along Bayview project frontage.
- G. Remove all juniper bushes from park strip along Bayview and replace with planting material with a height of no taller than 2.5'.
- H. Remove and replace sidewalk, driveways, and water meters along Flora Vista.
- I. Remove and replace depressed curb and gutter along Flora Vista.
- J. Remove AC in park strip area along Flora Vista. Replace with planting material with a height of no taller than 2.5'.
- K. Slurry seal street to half street upon completion of all trench work in public right of way on Bayview.
- L. New driveways to be constructed shall be per City standard detail 5C-5. Driveway width shall be per width of driveway pavement area.
- M. The entire shared driveway between lots 3 and 4 shall be constructed in Phase 1 of the project.
- N. If phase 2 does not immediately follow phase 1, revise the plans so that the sanitary sewers for lots 3 and 4 are spaced further apart, and will not be in the same trench.

- O. A traffic control plan will be required as part of the improvement plan set. Traffic control plan needs to be prepared by a person certified/trained in the MUTCD.
- P. Streetlights, conduits, and conductors may be required to be installed and/or upgraded at the street improvement plan stage.
- Q. Applicant to pay all fees, complete improvement plans, and execute subdivision agreement and bonds prior to recordation of final map and Public Works release of building permits.



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

ATTACHMENT C

Page 1 of 1

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

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

PROJECT TITLE:

Application for a Tentative Map, Rezone and Special Development Permit filed by Michael Kirklish.

PROJECT DESCRIPTION AND LOCATION (APN):

2007-0463 - Michael Kirklish [Applicant/Owner]: Application for related proposals on three parcels totaling 46, 212 square feet located at 408 Flora Vista Avenue, 421 South Bayview Avenue and 420 Flora Vista Avenue (near E. Iowa Ave.) in R-2 (Low Medium Density Residential) and R-0 (Low Density Residential) Zoning Districts. (Mitigated Negative Declaration) (APN: 209-24-016) SB;

- Tentative Map to subdivide three lots to nine lots,
- Rezone from R-0 (Low Density Residential) and R-2 (Low Medium Density Residential) to R-1.5/PD (Low Medium Density Residential/Planned Development) and R-2/PD (Low Medium Density Residential/Planned Development) Zoning Districts, and
- Special Development Permit to allow six new single family homes.

WHERE TO VIEW THIS DOCUMENT:

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

This Mitigated Negative Declaration may be protested in writing by any person prior to 5:00 p.m. on Monday, April 28, 2008. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Mitigated Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, April 28, 2008 at 8:00 p.m. In the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

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

Circulated On April 3, 2008

Signed: 
Andrew Miner, Principal Planner

Project Title	Application for a Rezone, Special Development Permit and Parcel Map
Lead Agency Name and Address	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707
Contact Person	Surachita Bose
Phone Number	408 730-7443
Project Location	408 Flora Vista Avenue
Project Sponsor's Name	Michael Kirkish
Address	785 Amies Avenue, Palo Alto, CA - 94303
Zoning	R-0 (Low Density Residential) and R-2 (Medium Density Residential)
General Plan	Residential Low and Low-Medium Density
Other Public Agencies whose approval is required	None

Description of the Project: The project site consists of three individual parcels, totaling 46,212 square feet in size. The property is currently developed with one single family home with access from South Bayview Avenue, a shed and a duplex unit with access from Flora Vista Avenue. The applicant proposes a rezone to a Planned Development (PD) Combining District, a Parcel Map for the creation of 9 new lots, for a net gain of 6 lots and a Special Development Permit for six new single family homes on the lots facing Bayview Avenue. The proposed project includes removal of the existing home and shed and addition of six new single family homes facing Bayview and two new homes facing Flora Vista Avenue in future (not included in the subject proposal). The lot containing the duplex unit is proposed to be upgraded. The 6 new homes proposed to be built along Bayview Avenue will be two-story and will have shared driveways with access from Bayview Ave.

Surrounding Uses and Setting: The property is located mid block between Olive and McKinley Avenue and currently has frontage on both Flora Vista and Bayview. The surrounding neighborhood consists primarily of single-family and multi-family homes. The property is located a block away from the Downtown Specific Plan (DSP) area.

EVALUATION OF ENVIRONMENTAL IMPACTS

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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



Signature
Surachita Bose
Printed Name

April 2, 2008
Date
City of Sunnyvale
For (Lead Agency)

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Disc.
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
2. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 94, 100, 111
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 94, 100, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 96, 97, 100, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	62, 63, 111, 112
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111, 112
3. BIOLOGICAL RESOURCES:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	41, 94, 111, 112
4. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 60, 61, 94, 111
b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 94
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 94, 111
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
5. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 21, 28

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 28
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 41, 94, 111
6. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
7. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Disc.
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 16, 26, 94, 111, 112
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 16, 26, 94, 111, 112
d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 16, 26, 94, 111, 112
8. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 111, 112
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 111, 112
9. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	26, 65, 66, 103, 104
c. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	26, 65, 66, 103, 104
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
e. Other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
10. MANDATORY FINDINGS OF SIGNIFICANCE					
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 10, 26, 42, 59, 60, 61, 111, 112

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 111, 112
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111, 112
11. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Prilo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	.
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	.
b. Result in substantial soil erosion or the loss of topsoil?					.
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	.

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
d. Be located on expansive soil, as defined in Table 18-a-8 of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	.
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	.
12. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 87, 88, 89, 90, 111, 112
b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
e. Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 22, 90, 111, 112
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 22, 90, 111, 112

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
13. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 75-77, 111, 112
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 71, 75-77, 80, 84, 111, 112
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112, 113
d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 71, 75-77, 80, 84, 111, 112
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	78
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	37
g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 81, 111, 112
14. HAZARDS AND HAZARDOUS MATERIALS. Would the project?					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
15. RECREATION					
a. Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18, 111, 112
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18, 111, 112
16. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
17. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112

DISCUSSION OF IMPACTS WITH NO MITIGATION INCORPORATED:

1.c. AESTHETICS: The proposed project involves removal of the existing home and shed and the addition of six new single family homes facing Bayview and two new homes facing Flora Vista Avenue in future (not included in the subject proposal). The addition of new residential units will affect the character of the site as well as of the surrounding streetscape mainly because the existing home is one-story, which will be replaced with six new two-story homes. The architectural style of the new homes is similar to other homes in the area with shared driveways and detached garages. This proposed project will not significantly degrade the lot or neighborhood because the proposed homes are consistent with the zoning and maximum allowable density for the lots.

7.a. NOISE: The Noise Sub-element for the City of Sunnyvale states that acceptable noise exposure for residential uses is 45 dB for interior noise. Interior noise levels are also required by Title 24 of the California Code of regulations.

Interior Noise: All residential projects will need to comply with Title 24 of the California Code, stating that each project must provide adequate sound insulation to ensure interior noise levels not to exceed 45 dB. As this is a code requirement, no additional mitigation measures are necessary.

Construction Noise: The construction activity associated with development of new residential units will have noise impacts on surrounding properties. Title 16 of the Sunnyvale Municipals Code limits hours of construction for all projects to between the hours of 7 a.m. and 6 p.m. daily Monday through Friday. Saturday hours of construction shall be between 8 a.m. and 5 p.m., and construction is prohibited on Sundays and holidays. These limitations will ensure there are no significant noise impacts for surrounding residential properties; therefore no additional mitigation

measures are necessary. Additionally, the applicant will have to submit a construction management plan prior to applying for building permits to demonstrate how equipment

Surachita Bose

4/2/2008

Completed By

Date

City of Sunnyvale General Plan:

2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element

26. City of Sunnyvale Municipal Code:
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation
43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan

Environmental Impact Reports

48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)
51. Kaiser Permanente Medical Center Replacement

Center Environmental Impact Report (City of Santa Clara)

52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

Lists/Inventories

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III

Transportation

71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pagnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short Range Transit Plan

- 82. Santa Clara County Transportation Plan
- 83. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- 84. Santa Clara County Sub-Regional Deficiency Plan
- 85. Bicycle Plan

Public Works

- 86. Standard Specifications and Details of the Department of Public Works
- 87. Storm Drain Master Plan
- 88. Sanitary Sewer Master Plan
- 89. Water Master Plan
- 90. Solid Waste Management Plan of Santa Clara County
- 91. Geotechnical Investigation Reports
- 92. Engineering Division Project Files
- 93. Subdivision and Parcel Map Files

Miscellaneous

- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program (EPA Interim Document in 1985?)

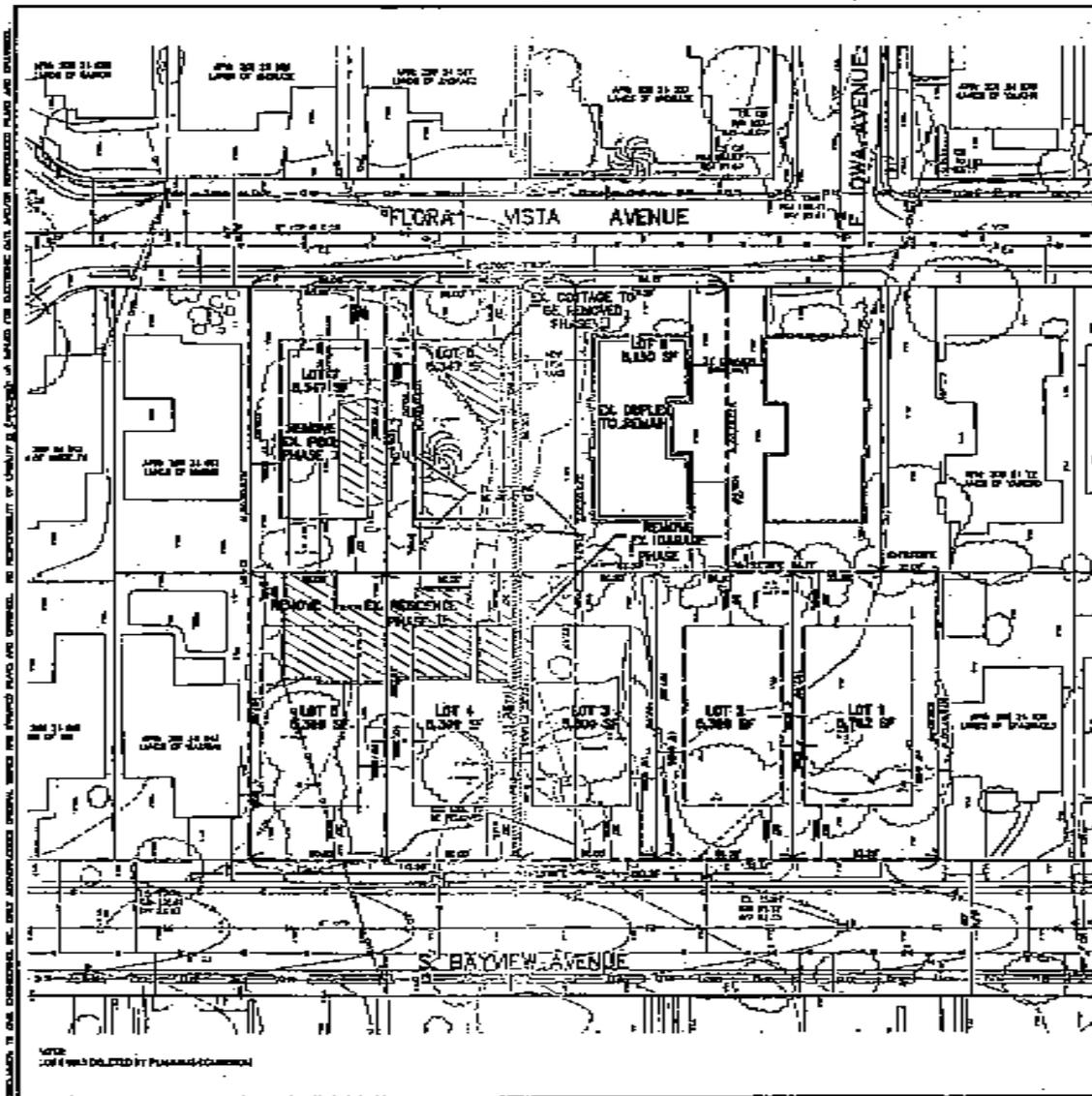
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100. Bay Area Clean Air Plan
- 101. City-wide Design Guidelines
- 102. Industrial Design Guidelines

Building Safety

- 103. Uniform Building Code, Volume 1, (including the California Building Code, Volume 1)
- 104. Uniform Building Code, Volume 2, (including the California Building Code, Volume 2)
- 105. Uniform Plumbing Code, (including the California Plumbing Code)
- 106. Uniform Mechanical Code, (including the California Mechanical Code)
- 107. National Electrical Code (including California Electrical Code)
- 108. Title 16 of the Sunnyvale Municipal Code

Additional References

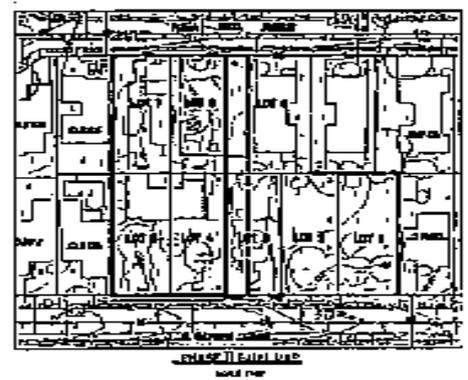
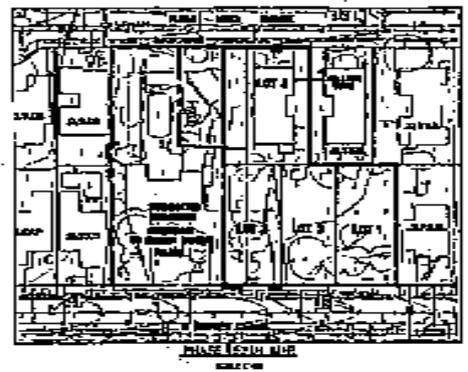
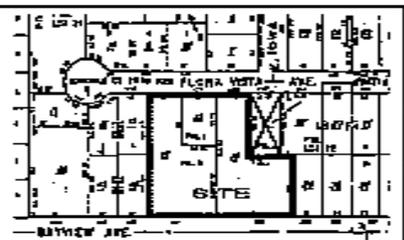
- 109. USFWS/CA Dept. F&G Special Status Lists
- 110. Project Traffic Impact Analysis
- 111. Project Description
- 112. Project Development Plans
- 113. Santa Clara County Airport Land Use Plan
- 114. Federal Aviation Administration



PREPARED BY: CIVIL ENGINEERING, INC. 1725 TECHNOLOGY DRIVE, SUITE 100, SAN JOSE, CA 95128
 DATE: 08/11/03
 PROJECT: VESTING TENTATIVE MAP FOR LANDS OF KIRKISH
 SHEET: 2 OF 2
 SCALE: AS SHOWN
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 APPROVED BY: J. B. BROWN
 TITLE: VESTING TENTATIVE MAP FOR LANDS OF KIRKISH

LEGEND

	BOUNDARY LINE
	EASEMENT
	UTILITY LINE
	STREET CENTERLINE
	PROPOSED STREET



FROM THIS MAP, LOTS, BLOCKS, PHASE I AND PHASE II LOTS, ALLEYS, EASEMENTS, ETC.



PREPARED UNDER THE SUPERVISION OF:
 J. B. BROWN
 CIVIL ENGINEER
 LICENSE NO. 12345
 STATE OF CALIFORNIA

DATE	08/11/03
PROJECT	VESTING TENTATIVE MAP FOR LANDS OF KIRKISH
SHEET	2 OF 2
SCALE	AS SHOWN
DRAWN BY	J. B. BROWN
CHECKED BY	J. B. BROWN
APPROVED BY	J. B. BROWN

IS CIVIL ENGINEERING
 1725 TECHNOLOGY DRIVE
 SUITE 100, SAN JOSE, CA 95128
 PHONE: (408) 434-1111
 FAX: (408) 434-1111

VESTING TENTATIVE MAP
 LANDS OF KIRKISH
 421 S. BAYVIEW AVENUE
 SUNNYVALE, CALIFORNIA

DATE	08/11/03
SCALE	AS SHOWN
SHEET NO.	3
TOTAL SHEETS	4
PROJECT NO.	03-001
DRAWN BY	J. B. BROWN
CHECKED BY	J. B. BROWN

ATTACHMENT D
 Page 2 of 2



CIVIL ENGINEERING

ATTACHMENT E

Page 1 of 5

May 7, 2007
Job No. 05-263

Gerry Caruso – Principal Planner
City of Sunnyvale
Community Development – Planning Division
456 West Olive Avenue
Sunnyvale, CA 94086

Subject: Project No. 2007-0463
Special Development Permit & Rezoning
408 Flora Vista Avenue, Lands of Kirkish

Dear Mr. Caruso:

The provisions of the Special Development Permit (SDP) and Planned Development (PD) zoning district overlay with the R1.5 rezoning allows flexibility in the design of the lots and units of this project to better harmonize with the existing neighborhood. The pattern of the neighborhood can be mirrored and enhanced with the addition of these units as discussed below.

Rezoning

Change Under Consideration: Rezone from R-2 (Low-Medium Density Residential) and R-0 (Low Density Residential) to R-1.5/PD (Low-Medium Density Residential/Planned Development)

Discussion of Rezoning: The PD Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The surrounding properties are predominately developed with either duplexes or single-family residences. This site is uniquely located straddling the border of R-2 and R-0 zoning.

Proposed Site Layout: The R-2 versus R-0 zone district boundary divides the subject site running east to west. Consequently, the proposed unit types vary to provide a compatible transitional mix.

- 1) 408 Flora Vista – Proposed Lot 9. To enhance the existing duplex unit, the southerly property line is being shifted 7' southerly to more than double the yard depth to 13'. Two new uncovered parking spaces will be added to the duplex at the easterly property line. The net useable open space is 1200 SF per unit, which far exceeds the R-2 standard of 500 SF.
- 2) 420 Flora Vista – Proposed Lot 8. This lot is only 5484 SF and legal nonconforming. The lot will be enlarged to 6,040 SF and 56.5' wide.

TS/Civil Engineering, Inc.
1776 Technology Drive, San Jose, CA 95110
Telephone: 408.452.9300
Toll Free: 888.327.7070
Fax: 408.452.9301
www.tscivileng.com

- 3) Flora Vista – Proposed Lot 1. The site of the existing swimming pool will become another 6,040 SF single-family detached lot.
- 4) Bayview Rowhouses – Lots 1-6. The existing neighborhood directly north is comprised of narrow single-family lots with detached garages at the rear property line.

Within the vicinity houses are a mix of one and two story units with a varied front setbacks. The neighborhood character is informal and street friendly with small scale inviting entry porches. Convenient pedestrian access is provided directly from the porch to the back of public sidewalk.

Directly opposite the site at 398 & 408 S. Bayview & Flora Vista is a perfect example of two SFD units, on separate lots, with a shared driveway apron accessing detached garages in the rear. Such is the streetscape that this project attempts to emulate. There is reduced driveway paving and increased front landscaping. Although the lots are narrow, there is an open feel due to the 20' building separation for the shared access.

The proposed use of paired driveways significantly reduces the amount of impervious coverage and driveway curb cuts thus highlighting the residences and their street oriented porches.

The paired driveways also optimize house widths to 27', whereas only 22' would be possible if each lot required a separate 12' wide driveway. This building width would be inconsistently narrow with the neighborhood houses. A 22' width is more appropriately an attached townhouse width, but problematic for a single-family floor plan. Obviously, reduction of one unit would allow increased lot widths to 50' for 5 lots. However, this would compromise the paired driveway design due to the odd number of units.

The gross floor area of each unit is either 2049 or 2067 SF, not including the basements. All units are potentially four bedrooms with two and a half bathrooms. Each of the units contains a basement area that allows for additional living area and full bath. The basement is not included in the floor area calculation for the lot.

CONFORMANCE TO RESIDENTIAL DESIGN GUIDELINES

A City of Sunnyvale policy for small lot development is that the overall Floor Area Ratio (F.A.R.) should not exceed 50%. The proposed 6 rowhouses would result in a combined F.A.R. average of 45.1% (basement not included).

Design Policy or Guideline (Site Layout)	Comments
<p><i>Single Family Home Design Techniques 3.1 Neighborhood Patterns</i></p> <p><i>Respect neighborhood home orientation and setback patterns.</i></p>	<p>The orientation of the new homes is similar to other development in the neighborhood. The setbacks proposed for the new homes are also compatible to those found in the area.</p>
<p><i>Single Family Home Design Techniques 2.2.3 Design homes to respect their immediate neighbors.</i></p>	<p>The second story of the homes exceeds the minimum side yard setback requirements by providing eight feet. Additionally, there are limited second story windows located on the right side of unit 1 or the right side of unit 6. Note also that the existing residence right of unit 1 has a carport and few windows that will be impacted by unit 1. The existing residence left of unit 6 is two story.</p>
<p><i>Single Family Home Design Techniques 3.4 Second Floors</i></p> <p><i>Design second floors to complement first floor forms and minimize their visual impact.</i></p>	<p>The second floors of the homes are adequately setback from the first story and have been reduced in scale to create an improved visual impact from the public street.</p>

Architecture: The proposed architecture borrows from some of the elements that are utilized within the neighborhood. The homes will be constructed of wood siding, stucco walls and composition roof material. Each home contains a porch area that extends from the front of the house. Craftsman style columns with river rock bases and railing will adorn some porches. Gable features are included within the second story of some houses to reduce the perception of height.

The following Guidelines were considered in the analysis of the project architecture:

Design Policy or Guideline Architecture	Comments
<p><i>Single Family Home Design Techniques 3.7 Materials</i></p> <p><i>Use materials that are compatible</i></p>	<p>The proposed design and materials of the new homes would be compatible with the existing</p>

Design Policy or Guideline Architecture	Comments
<i>with the neighborhood.</i>	character of the neighborhood.
<i>Single Family Home Design Techniques 3.3 Entries</i> <i>Provide an entry porch if that is a common feature of homes in the neighborhood. Match the design to the style of the home.</i>	Each home provides an entry porch feature that is compatible to the design of the home. Rather than a bold gable entry feature, the entry areas are recessed under an eave line; similar to other homes within the neighborhood.

Landscaping: The R-1.5 Zoning District requires 20% of the lot be landscaping and no minimum of useable open space. The proposed landscaping and useable open space exceeds the minimum required at 41% and 1272 SF respectively. All area that is not utilized by paving needed for driveway, back-out and parking area is landscaped.

Parking/Circulation: The site will meet parking standards by providing two-car garages and two uncovered spaces for each unit.

Design Policy or Guideline Parking	Comments
<i>Single Family Design Guidelines 3.2 Parking</i> <i>Design garages and driveways to be compatible with the neighborhood.</i>	The layout of detached garages at the rear setback for each unit is compatible with other properties in the neighborhood.

As stated above, the one duplex lot and two single family lots all meet or exceed the zoning district standards for the R1.5 zone. The six rowhouses on Bayview meet or exceed all of the R-1.5 standards and more significantly, meet the intent of the "Single Family Home Design Techniques," by maintaining a sense of neighborhood by encouraging new development that is compatible in scale and character with existing housing.

SPECIAL DEVELOPMENT PERMIT AND GENERAL PLAN CONFORMANCE

Goals and policies that relate to this project are:

Land Use and Transportation Element

Policy Statement C2.2 Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.

Policy Statement N1.2 Require new development to be comparable with the neighborhood, adjacent land uses and the transportation system.

Action Statement N1.4.1 Require infill development to complement the character of the residential neighborhood.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project meets all zoning standards and is compatible with infill development within the neighborhood. The new single family homes provide additional ownership housing while also improving the visual character and condition of the residential area.
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, as conditioned, will not impair either the orderly development of, or the existing uses being made of adjacent properties as the new development is similar to neighboring two-story development within the vicinity. The project provides adequate open space for prospective residents and creates an ideal transition between existing R2 and R0 densities with the application of R1.5 – PD zoning.

SUMMARY

The Sunnyvale Municipal Code requires that at least one of the following two justifications must be met in order to approve a Special Development Permit Application. We believe that the project meets each of the following justifications:

1. Attain the objectives and purposes of the General Plan of the City of Sunnyvale
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.

If you have any questions, please feel free to contact me.

Sincerely,
TS/CIVIL ENGINEERING, INC.



Terence J. Szewczyk, P.E.
Principal Engineer

ATTACHMENT F

Page 1 of 8

FLORA VISTA HOUSES
SUNNYVALE, CA 94086
MAY 9, 2007



FIGURE 1
EXISTING TWO-STORY RESIDENCE DIRECTLY SOUTH OF PROPOSED LOT 6.



FIGURE 2
ONE STORY WITH CARPORT DIRECTLY NORTH OF PROPOSED LOT 1.



FIGURE 3

TWO HOUSES NORTH OF PROPOSED LOT 1, NOTE THE INSET PORCH, WALKWAY & DETACHED GARAGE IN THE REAR.



FIGURE 4

THREE HOUSES NORTH OF PROPOSED LOT 1, INSET PORCH UNDER ROOF EAVE & DETACHED GARAGE AT THE REAR.



FIGURE 5

ABOUT FIVE HOUSES NORTH OF PROPOSED LOT 1. TWO-STORY PAIRED HOUSES BUT BULKY FRONT ELEVATIONS AND GARAGE DOORS AT FROM SETBACKS OVERWHELM THE STREETScape AND THE FRONT DOOR IS RECESSED FROM THE STREET.



FIGURE 6

STREETSCAPE LOOKING SOUTHWEST ACROSS S. BAYVIEW, PROPOSED LOT 1 IS THE ORCHARD TREES ON THE FAR LEFT.



FIGURE 7
TWO STORY VICTORIAN AT S. BAYVIEW & E. MCKINLEY.



FIGURE 9
TWO STORY RESIDENCE AT 252 S. BAYVIEW

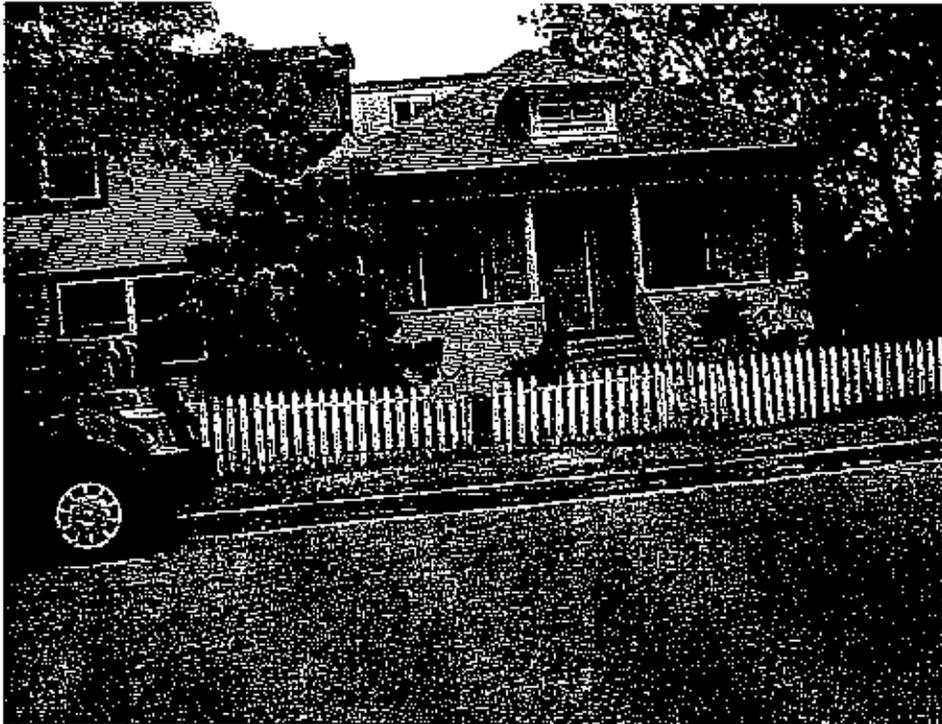


FIGURE 10
TWO STORY ON S. BAYVIEW NEAR SOUTHWOOD AVENUE.



FIGURE 11
TWO STORY ON S. BAYVIEW NEAR SOUTHWOOD AVENUE.



FIGURE 12
TWO STORY AT THE SOUTHWEST CORNER OF
S. BAYVIEW & E. MCKINLEY.



FIGURE 13
PAIRED DRIVEWAY DIRECTLY OPPOSITE LOTS 2, 3 & 4.
398 & 408 (RIGHT) S. BAYVIEW.



FIGURE 14

NOTE THE DETACHED GARAGE AT THE REAR AND THE ATTRACTIVE USE OF BRICK AND CONCRETE VEHICLE TRACKS. THE TURF AREA IS MAXIMIZED FOR AN IMPROVED LANDSCAPE APPEARANCE IN-LIEU OF A WIDE SOLID CONCRETE DRIVEWAY. THIS IS SIMILAR TO THE PROPOSED DESIGN FOR LOTS 1-6.

ORDINANCE NO. xxxxx-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY LOCATED AT 408 FLORA VISTA AVENUE, 421 SOUTH BAYVIEW AVENUE AND 420 FLORA VISTA AVENUE FROM R-0 (LOW DENSITY RESIDENTIAL) AND R-2 (LOW-MEDIUM DENSITY RESIDENTIAL) TO R-1.5/PD (LOW-MEDIUM DENSITY RESIDENTIAL/ PLANNED DEVELOPMENT) AND R-2/PD (LOW MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) ZONING DISTRICT

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

SECTION 1. AMENDMENT OF ZONING PLAN. The Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties within the R-1.5/PD (LOW-MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) and R-2/PD (LOW MEDIUM DENSITY ZONING DISTRICT which properties are presently zoned R-0 (LOW DENSITY RESIDENTIAL) and R-2 (LOW-MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT. The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA-NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development may file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental review, if required by CEQA, and potential impacts may be determined at that time.

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

SECTION 4. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2008, by the following vote:

AYES: SPITALERI, HAMILTON, HOWE, LEE, SWEGLES, MOYLAN, WHITTUM

NOES:
ABSTAIN:
ABSENT:

ATTACHMENT G
Page 2 of 3

ATTEST:

APPROVED:

City Clerk
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney



**A TREE INVENTORY AND REVIEW OF THE A₁
PROPOSED NINE-LOT SUBDIVISION AT
421 SOUTH BAYVIEW AVENUE & 408 FLORA VISTA AVENUE
SUNNYVALE, CALIFORNIA**

Prepared for:

Mr. Mike Kirkish
421 South Bayview Avenue
Sunnyvale, CA 94086-6226

Prepared by:

David L. Babby, RCA
ASCA Registered Consulting Arborist #399
ISA Certified Arborist #WE-4001A

May 31, 2006

INTRODUCTION

I have been retained by Mr. Mike Kirkish to perform the following tasks in connection with the future nine-lot subdivision of his property at 421 South Bayview Avenue and 408 Flora Vista Avenue, Sunnyvale: [1] inventory and evaluate "protected"¹ and nonprotected "trees"² that are located on the subject site and have trunk diameters of four inches and greater (measured at 54 inches above grade), [2] review the proposed design and assess the future tree impacts, and [3] calculate the monetary value of each tree.

This report presents my findings and recommendations and has been prepared to help achieve compliance with Sections 19.94.110(a) and (d) of the City's Municipal Code. To my understanding, this report will be used in the planning process of project development.

The plan reviewed for this report includes a Preliminary Site Plan (Sheet 1) by TS Civil Engineering, dated 2/6/06. The trees' approximate locations and numbers are presented on two attached copies. Please note that the trunk locations shown on the attached maps are estimations and should not be construed as being surveyed.

The trees are sequentially numbered from 1 thru 23. For identification purposes, round, aluminum tags were attached to the trunks of "protected" trees and contain engraved numbers corresponding to the numbers presented within the second column of the attached table. Please note that the tag numbers differ from the tree numbers due to a previous inventory including only trees of "protected" status.

TREE COUNT AND COMPOSITION

Twenty-three trees were inventoried for this report and include six walnuts (#1-3, 5, 15, 16); one Olive (#4); one Japanese maple (#7); one Tree of heaven (#6); six various fruit trees (#8-10, 17-19); one Douglas-fir (#11); one spruce (#14); one palm (#22); one Myoporum (#13); one holly (#12); two Avocados (#20, 21); and one Yucca (#23). Specific data compiled for each is presented on the attached table.

¹ Per Section 19.94.030(3), the term "protected" refers to single-stem trees with trunk diameters of 12 inches and greater and multi-stem trees with a cumulative trunk diameter of 36 inches and greater (all measurements are obtained at 54 inches above grade).

² "Trees" are defined in Section 19.94.030(5) as any woody plant with a trunk diameter of four inches and greater (also measured at 54 inches above grade).

Of the inventoried trees, 11 are of "protected" status and include #1, 4, 6, 10, 11, 14-16 and 21-23. Trees defined as nonprotected include #2, 3, 5, 7-9, 12, 13 and 17-20.

SUITABILITY FOR TREE PRESERVATION

I have assigned a 'good', 'moderate' or 'low' suitability for preservation rating to each inventoried tree in accordance with their physiological health, structural integrity, location, size and species. These ratings and applicable tree numbers are presented below. Note that the 'good' category comprises one tree (or 0.5-percent), the 'moderate' category comprises two trees (or 1-percent), and the 'low' category comprises twenty trees (or 87-percent).

Good: Applies to tree #11. This tree is characterized as having the likely potential of providing long-term contribution to the site due to its seemingly optimal health and stability.

Moderate: Applies to trees #14 and 22. In general, their longevity and contribution is less than those of high suitability and more frequent care is typically needed during their remaining life span.

Low: Applies to trees #1-10, 12, 13, 15-21 and 23. They provide very minor contribution to the property. In most instances, these trees are predisposed to seemingly irreparable health problems and/or structural defects and their condition will likely worsen regardless of measures employed.

PROJECT REVIEW

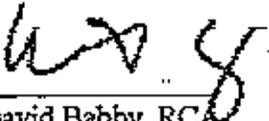
To implement the proposed design, each tree of "protected" status requires removal. Given their species, suitability for preservation rating and/or condition, I do not find them to be viable or suitable specimens for relocation or to require design revisions for promoting their survival.

Regarding tree #5, it is a relatively young Douglas-fir that appears in optimal condition. However, please note that Douglas-fir trees are relatively fast-growing, can reach heights of 160 feet or more in an urban setting, and present an increasing risk to targets below. Additionally, they are highly prone to damaging surrounding hardscape, require an ample amount of growing space, and are vulnerable to decline following root disturbance.

TREE APPRAISAL

For compliance with Section 19.94.110(a) of the City's Code, the monetary value of each tree of "protected" status has been appraised. Based on my calculations, the trees have a combined value of \$9,200. These values are presented within the last column of the attached table and conform to the *Guide for Plant Appraisal, 9th Edition*, published by the International Society of Arboriculture, 2000.

Prepared By:


David Babby, RCA

Date: May 31, 2006

Attachments: Tree Inventory Table
Site Maps (two copies of Sheet 1)

TREE INVENTORY TABLE

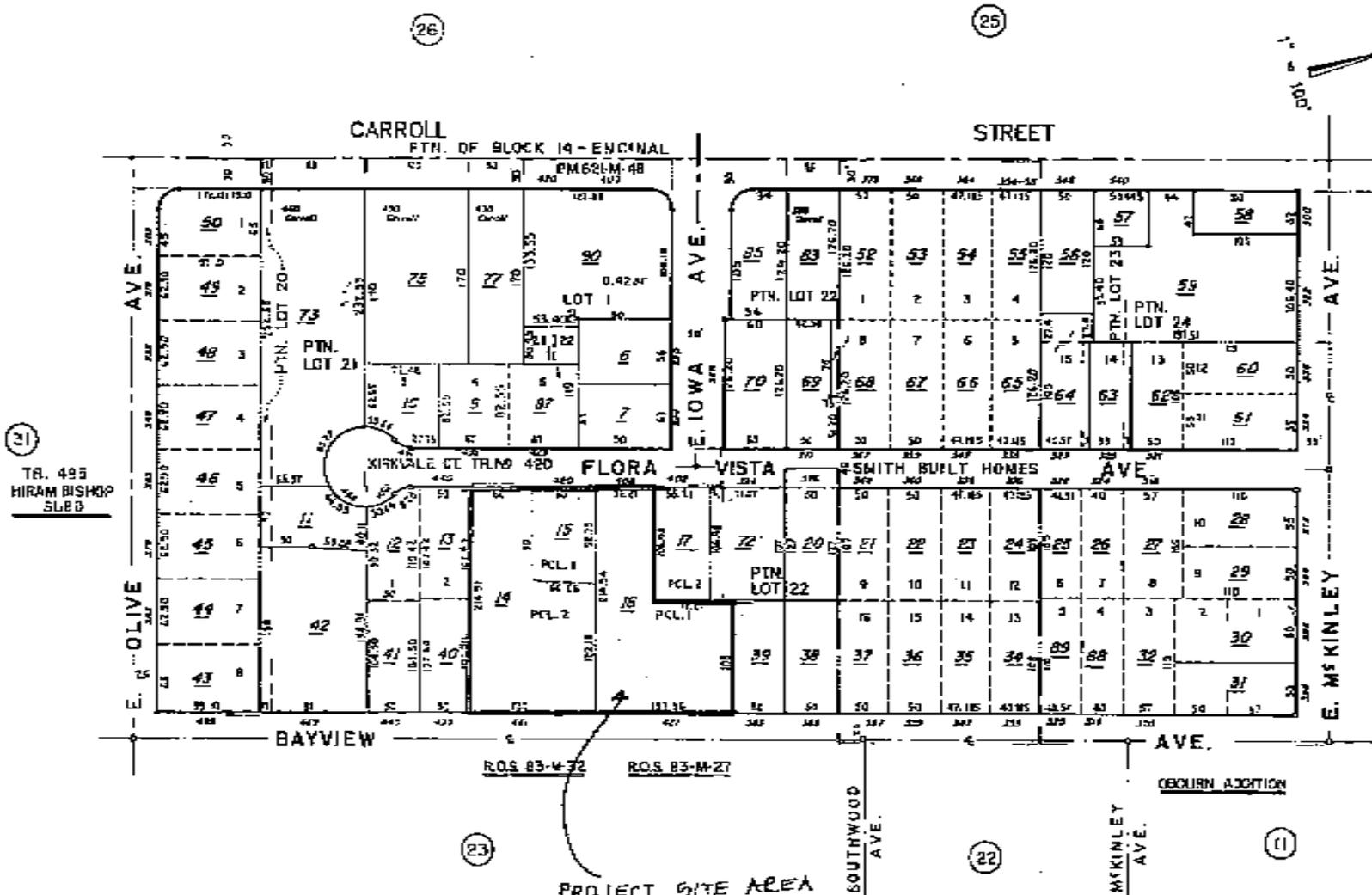
TREE NO.	TAG NO.	TREE NAME	Trunk Diameter (in.) - per Guide for Plant Appraisal	Estimated Height (ft.)	Estimated Canopy Spread (ft.)	Health Condition (100%=Best, 0%=Worst)	Structural Integrity (100%=Best, 0%=Worst)	Overall Condition	Suitability for Preservation (High/Moderate/Low)	Defined as "Protected"	Tree Appraisal Value
1	1	English Walnut (<i>Juglans regia</i>)	12	25	25	50%	25%	Poor	Low	X	\$270
2	-	California Black Walnut (<i>Juglans hindsii</i>)	6.5, 6.5, 6	20	35	75%	25%	Fair	Low		-
3	-	California Black Walnut (<i>Juglans hindsii</i>)	7, 6.5, 3.5	20	35	75%	50%	Fair	Low		-
4	2	Olive Tree (<i>Olea europaea</i>)	25 stems	25	40	75%	25%	Fair	Low	X	\$1,540
5	-	English Walnut (<i>Juglans regia</i>)	9.5, 9, 3, 2.5	20	30	25%	25%	Poor	Low		-
6	3	Tree of Heaven (<i>Ailanthus altissima</i>)	12, 11, 9.5, 9, 9	45	45	100%	25%	Fair	Low	X	\$480
7	-	Japanese Maple (<i>Acer palmatum</i>)	~6	10	10	100%	50%	Good	Low		-
8	-	Loquat (<i>Eriobotrya japonica</i>)	~5.5	15	15	100%	100%	Good	Low		-
9	-	Lemon (<i>Citrus limon</i>)	9.5	20	20	100%	25%	Fair	Low		-
10	4	Peach (<i>Prunus persica</i>)	12	10	10	100%	50%	Fair	Low	X	\$750
11	5	Douglas-Fir (<i>Pseudotsuga menziesii</i>)	16	35	30	100%	100%	Good	Good	X	\$2,470
12	-	English Holly - variegated (<i>Ilex aquifolium</i>)	6, 4, 3, 2	15	15	100%	25%	Fair	Low		-
13	-	Myoporum (<i>Myoporum laetum</i>)	8, 4(5), 3(3), 2	10	15	100%	25%	Fair	Low		-
14	6	Colorado Blue Spruce (<i>Picea p. 'Glauca'</i>)	13.5	40	25	75%	50%	Fair	Moderate	X	\$1,030

TREE INVENTORY TABLE

TREE NO.	TAG NO.	TREE NAME	Trunk Diameter (in) - per Guide for Plant Appraisal	Estimated Height (ft.)	Estimated Canopy Spread (ft.)	Health Condition (100% = Best, 0% = Worst)	Structural Integrity (100% = Best, 0% = Worst)	Overall Condition	Suitability for Preservation (High/Moderate/Low)	Defined as "Protected"	Tree Appraisal Value
15	7	English Walnut (<i>Juglans regia</i>)	12	30	25	75%	25%	Fair	Low	X	\$440
16	8	English Walnut (<i>Juglans regia</i>)	14	35	35	75%	25%	Fair	Low	X	\$590
17	-	Edible Fig (<i>Ficus carica</i>)	5, 4, 3	10	20	75%	25%	Fair	Low		-
18	-	Persimmon (<i>Diospyros kaki</i>)	11	20	30	75%	25%	Fair	Low		-
19	-	Peach (<i>Prunus persica</i>)	10	15	20	75%	50%	Fair	Low		-
20	-	Avocado (<i>Persea americana</i>)	4(3), 3	20	20	100%	25%	Fair	Low		-
21	10	Avocado (<i>Persea americana</i>)	6, 5, 3.5, 2.5	25	30	75%	25%	Poor	Low	X	\$590
22	9	Mexican Fan Palm (<i>Washingtonia robusta</i>)	35	55	10	100%	100%	Good	Moderate	X	\$340
23	11	Yucca (<i>Yucca elephantipes</i>)	15.5	15	10	100%	25%	Fair	Low	X	\$700

Aerial View of the neighborhood surrounding 408 Flora Vista Ave.





TR. 495
HIRAM BISHOP
SLBB

ATTACHMENT
Page 1 of 1

LAWRENCE E. STONE - ASSESSOR
Control map for assessment purposes only
Compiled under S.C. Code, Sec. 3274
Effective Roll Year 2006-2007

September 26, 2007
Re: File Number 2007-0463

Dear Council Members and Planning Commission,

We are sending you this letter to formally submit our strong opposition to Michael Kirkish's application to:

- **Rezone from R-O (Low Density Residential) and R-2 (Low Medium Density Residential) to R-1.5 (Low Medium Density Residential) and R-2 Zoning Districts**
- **Tentative Map to subdivide three lots to nine lots**
- **Special Development Permit to allow six single-family homes.**

He is asking for rezoning so that he could potentially build up to 12 residences or duplexes. Those types of dwellings are not consistent with the rest of the neighborhood. The homes on South Bayview are predominately single-family homes with front and back yards. Duplexes would decrease our property values. Nobody wants that.

If you approve Michael Kirkish's request it would in turn, encourage others to do the same kind of rezoning. We do not wish our neighborhood to change. For most, these homes are our primary residences. Michael Kirkish does NOT live on South Bayview Avenue, nor do we believe he intends to sandwich himself into one of the proposed dwellings with nowhere to park.

If Mr. Kirkish builds duplexes on these lots, or multiple homes on a parcel meant to only accommodate one home, where are all of the new residents supposed to park? They will try and park in front of other people's houses, adding to the congestion of a street that is already substandard in width? When two cars are parked across from each other in opposite directions, there is questionable space for two more cars traveling in opposite directions to pass one another. Often times, one vehicle must pull over to the side and wait to let the other car pass. Let's suppose there is a fire on South Bayview and fire engines and ambulances (both of which are much wider than regular cars) cannot make it to the scene. We assure you this is not an unreasonable possibility. Should you approve Mr. Kirkish's request, you could be putting the residents of our street at fire safety risk and in danger of not receiving emergency care.

Mr. Kirkish should be able to develop his land, but only at the current zoning. If he is granted permission to rezone, there is nothing to stop him from submitting new plans to increase the number of homes or duplex units.

We should expect that our Planning Commission and City Council Members would look at the big picture for all of the residents, and not just the wants of one developer. Rezoning this land could have a disastrous and potentially deadly impact on everyone on our street. We do not support the excessive development in our neighborhood that infringes on the privacy, parking availability, and the safety of all the residents on the street. Please do not allow Michael Kirkish to undercut the values of our homes for his personal gain. We strongly and respectfully urge you to NOT approve Mr. Kirkish's application.

Name: _____

Address: _____

Signature: _____

PLANNING COMMISSION MINUTES OF APRIL 28, 2008

2007-0463 - Michael Kirkish [Applicant/Owner]: Application for related proposals on three parcels totaling 46, 212 square feet located at **408 Flora Vista Avenue, 421 South Bayview Avenue and 420 Flora Vista Avenue** (near E. Iowa Ave.) in R-2 (Low Medium Density Residential) and R-0 (Low Density Residential) Zoning Districts. (Mitigated Negative Declaration) (APN: 209-24-016) SB;

- **Tentative Map** to subdivide three lots to nine lots,
- **Rezone** from R-0 (Low Density Residential) and R-2 (Low Medium Density Residential) to R-1.5/PD (Low Medium Density Residential/Planned Development) and R-2/PD (Low Medium Density Residential/Planned Development) Zoning Districts, and
- **Special Development Permit** to allow six new single family homes.

Gerri Caruso, Principal Planner, presented the staff report. She said staff is recommending approval of the plan subject to the findings and conditions in the staff report.

Comm. Babcock asked staff about the lot width for lots 7 and 8 with staff referring to page 11 of the report which indicates that lots 7 and 8 are 54.5 feet wide each. **Comm. Babcock** asked about R-1.5 zoning with staff stating that only single-family homes could be built in R-1.5 zoning. **Comm. Babcock** asked if lots 7 and 8 could be changed to three lots at a later date with staff advising, no. **Comm. Babcock** discussed with staff lots 7 and 8 with staff explaining that there are two phases to the project and individual Special Development Permits (SDPs) for two single-family homes would be submitted for lots 7 and 8. Staff said the SDPs would be handled similar to Design Reviews. **Comm. Babcock** discussed with staff about conditioning lots 7 and 8 to allow only two single-family homes with staff advising that the current SDP, as proposed for these lots, would create those conditions. **Comm. Babcock** discussed the rezoning of the lots with staff advising that a rezone cannot be conditioned as it is a legislative action. **Comm. Babcock** referred to page 17 of the report regarding the revising of the lot line to add two more parking spaces asking why the lot line is not being revised to accommodate the required number of parking spaces. **Ms. Caruso** said that staff felt the layout of the existing duplex was a good effort to accommodate the provision of two additional spaces confirming that the Commission could condition the project to require the full parking requirement, yet that condition would affect the other lots. **Comm. Babcock** confirmed with staff that if the units for the project were reduced from 10 to nine units that the

minimum number of units for the R-1.5 zoning would still be met, which would be 7.5 units for these lots.

Comm. Klein discussed lot lines for lots 7, 8, and 9 with staff as he felt that lots 7 and 8 could be reduced and still meet the size and width requirements for R-1.5 zoning, which could allow the lot width for lot 9 to be increased addressing the deviation request for lot 9. **Trudi Ryan**, Planning Officer, said various lot configurations were considered and staff advised the applicant that staff would want to see a minimum of 7,200 square feet for lot 9 to meet the minimum lot size for R-2 zoning. **Ms. Ryan** said that staff felt that looking at the whole project regarding lot sizes, that staff felt the lot sizes met the intent in terms of density. **Comm. Klein** asked about pervious surfaces and lost pervious space. **Ms. Caruso** said that staff does not have the final draft stormwater plan from the applicant and there are certain goals that have to be met regarding pervious surfaces, **Ms. Caruso** said the proposal for the courtyards would meet a portion of the pervious surface requirements. She said when staff receives the final stormwater plan that there may be better options realized to meeting the requirements. **Comm. Klein** said he feels the pervious surfaces in the courtyards are only one way to decrease impervious surfaces and driveways would be another. **Comm. Klein** said it is difficult to make some of the decisions regarding this project as the Commission does not have some of the plans for lots 7 and 8 in front of them now.

Vice Chair Rowe asked staff what the tradeoffs are regarding the existing zoning versus rezoning of these properties since both zonings would allow up to 10 units. **Ms. Caruso** said the applicant is trying to achieve a single-family home look and feel to the portion of the development that faces Bayview. **Ms. Caruso** said the current zoning allows 10 units which could be in duplex form versus the rezoning and relotting that would allow for the single-family homes to be on smaller lots. **Vice Chair Rowe** asked staff for clarification referring to page 16 of the report regarding "the side property line fences are proposed to be located outside the 20 foot front setback area." **Ms. Caruso** clarified that means that fences will not be seen along the property line in the front setback area. **Vice Chair Rowe** referred to page 18 of the report regarding solar shading and asked staff to comment about new related legislation. **Ms. Ryan** said there is proposed legislation in the works very specific to shading of solar panels by vegetation. **Ms. Ryan** said that Sunnyvale's Municipal Code says that the proposed project cannot cause more than 10% shading of an adjoining roof. She said the proposed project would cause 11% shading on the neighbor's property. **Ms. Ryan** referred to condition 13.A, which requires that the applicant either apply for

a variance from the shading requirements or submit revised plans meeting the shading requirements for the neighbor's property.

Comm. Simons asked staff if there is a final recommended width for the driveways. Ms. Ryan said that staff did not include a condition regarding the width and referred to condition 10.A, which requires that the common driveways not be used to park vehicles at any time. Comm. Simons asked if the Commission could condition the width of the driveway and state what is desired regarding pervious materials in relation to the stormwater runoff. Ms. Ryan said that yes, the Commission could condition the plans and that the rendered plans are for a single lane driveway about 12 feet wide, which would not be wide enough for two vehicles to pass at the same time. Comm. Simons confirmed with staff that lots 7 and 8 could be conditioned requiring these lots be single-family homes only. Comm. Simons referred to condition 9.A and commented that this on-site amenity section does not address accessory living units. Ms. Ryan said accessory living units are not permitted in an R-1.5 zoning district.

Comm. Hungerford confirmed with staff that the Commission is being asked to approve the SDP for lots 1 through 6 as shown in Attachment D, including the size, the location the architecture. Comm. Hungerford confirmed that staff is comfortable with the proposed designs.

Comm. Chang commented that lot 9 does not meet the R-2 requirements and asked what would happen if the Commission approves this development. Ms. Caruso said lot 9 does not meet the minimum lot size or the parking and the applicant is requesting deviation for these two areas. She said the proposal includes keeping the existing duplex and providing improvements to the duplex, and adding two additional uncovered parking spaces by adjusting the lot line. Comm. Chang confirmed with staff that the applicant could return at a later date for additional changes.

Chair Sulser opened the public hearing.

Terry Szewczyk, with TS Civil Engineering, said he would be representing the applicant, Michael Kirkish and family. Mr. Szewczyk offered clarification regarding some of the questions and issues discussed tonight. He said lots 7 and 8, totaling 11,600 square feet, could not be divided into three lots as 12,600 square feet would be required for the division. He said the lots on the Flora Vista side were set up as single-family lots with 50% Floor Area Ratio (FAR) and that the homes would be future 2,700 square foot homes including the garages. He said they did submit a preliminary stormwater plan and displayed a picture explaining the plans that include a stormwater device that would be provided at

the center of the driveways that would act as a sub drain. He said if additional stormwater standards are needed that they can be added. He said they voluntarily submitted that the courtyard areas would be pervious surfaces. Mr. Szewczyk commented about why they would like to rezone these properties when both zonings would allow up to 10 units. He said the present zoning runs down the middle of the property with R-0 on one side and R-2 on the other. He said if they were to build out as zoned, the R-0 lots would become 4 single family lots and the R-2 side would keep the existing duplex and then a four-plex on the Bayview side. He said they feel the proposed blending of the zoning districts proposing single-family homes seemed to be more in character with the neighborhood. He said regarding the 10% shading of the neighboring carport that they could change the roofline. He said regarding the concerns about lot 9 that they have made a good faith effort to enhance the lot, and add parking to the duplex where the current parking seems to work. He said the biggest issue that they are correcting with the duplex is to create some yard area of up to 13 feet of new rear yard for the two units. He said the proposed property is unique in that it is virtually a vacant one acre lot after the existing house is removed. Mr. Szewczyk said they attempted in the rezoning application is to take the zone district line that runs through the property and come up with a hybrid that fits better with the community. He said the Bayview side of the community has a number of detached rear garages and they wanted to model this. He said they saw an opportunity with the 42 foot lot widths in the R-1.5 zoning to create six units in a row on the Bayview side. He said the shared driveways allow rear yard areas, less impervious coverage, and usable openspace. Mr. Szewczyk shared another document and discussed the exceptions that the duplex lot size is 7,200 square feet versus 8,000. He said another requested exception is for the porches on the front of the houses, which encroach into the front setback. He said the porches stagger the front elevations making the homes more aesthetically pleasing. He said they are proposing an exception for the second-story stairwell that is four feet into the side setback. He said another exception is the zero setbacks of the garages. He said these backup to other property owned by the applicant and will not impact any other neighbors. He said another exception is for the two covered spaces with the duplex where four are required.

Comm. Babcock confirmed with Mr. Szewczyk that he said without the rezone that he would be able to put in four single-family homes and a four-plex. **Comm. Babcock** said that the current duplex has two covered parking spaces and asked if it has any uncovered parking. Mr. Szewczyk said that the residents currently park beyond the units in the driveway. He said they can formalize the space, which would provide two spaces in front of the garage doors and then on the side provide two additional spaces where the lot is being widened to the south.

Comm. Babcock commented that on her site visit she saw that Flora Vista was blocked, which only allowed enough width for one car to pass when cars are parked on both sides of the street.

Vice Chair Rowe referred to a petition that was provided on the dais this evening by some of the neighbors. She confirmed with Mr. Szewczyk that the proposed homes were going to be sold as single-family homes and not rented. She confirmed with the applicant there would be no additional duplexes only the existing duplex would remain. She confirmed with the applicant that 408 and 410 Flora Vista have different owners than 402 and 404 Flora Vista and are not part of this development.

Chair Hungerford commented that most of the exterior designs for the homes are good. He referred to Attachment D, page 9, design A.5 and commented that this particular design has many angles, which seems busy and too much for the front of the house. Mr. Szewczyk said if the Commission feels this particular design needs more work that they would be happy to comply.

Trish Spagnuolo, a neighbor, said she would be speaking on behalf of some of the neighbors. Ms. Spagnuolo said they respect the rights of the property owners and the importance of new development in the city. She said they would like to achieve a win-win situation with Mr. Kirkish. She listed some the concerns of the neighborhood reviewing the variances being requested by the applicant which are of big concern to the neighbors. She commented that an outreach meeting was held in the fall of 2007 and many of the concerns mentioned by the neighbors at that time do not appear to have been addressed, listing some of those issues, including architecture. She said the neighbors would prefer to see five homes rather than six built on the Bayview side allowing 50 foot wide lots instead of 42 foot wide lots. She said the existing duplex has not been taken care of very well in the past or present so they are concerned about whether that would actually occur. She said they are against spot zoning, in this case the R-1.5, and changing the streetscape to have six larger homes and shared driveways. She said, if five homes are built instead of six, it may eliminate the majority of issues and possibly eliminate the need for the variances. She asked that the Commission not recommend approval of the current application for rezoning and subdivision.

Comm. Simons said Ms. Spagnuolo commented about architectural details not being changed and asked staff if there had been any changes to the architectural details since the study session. Ms. Caruso said everything is noted in the staff report and that she does not think any changes were made. Comm. Simons said during the Commission study session there were a mix of comments about

architectural changes to the front details on the homes. Comm. Simons asked staff what style of direction could the Commission provide to staff, instead of generically asking the architectural details be changed. Ms. Ryan clarified that there were two study sessions on this project and after the first study session, a number of changes were made to the architecture and after the second study session, there were no changes. Ms. Ryan said if the Commission has particular concerns that need to be addressed, then the Commission's suggestions would need to be specific about what the Commission is trying to accomplish.

Vice Chair Rowe said she tried to make a point earlier that if the applicant rezones they could build 10 units, which would mostly be single-family homes except the existing duplex. She said if the applicant's rezone request is not approved, the applicant could build duplexes or four-plexes. Vice Chair Rowe asked Ms. Spagnuolo if she thought that single-family homes or duplexes would be more desirable with staff clarifying that a 7,200 square foot lot would be required to allow a duplex at this site. Staff further clarified site requirements acknowledging it can be confusing. Ms. Spagnuolo said they would prefer for the applicant to build five homes instead six on Bayview, which would solve variances and other issues, and they would like to have individual driveways for the homes. She said they are concerned about the density of six homes in this small space. She said they would love to have single-family homes here, however not six homes. Vice Chair Rowe discussed the lot widths with Ms. Spagnuolo, who provided a document on the dais indicating her calculations for lot widths.

Comm. Hungerford commented that there are two lots with single-family homes on Bayview that seem to be about 40 feet in width, and said they did not look that cramped. Ms. Spagnuolo commented the lot was split which the neighbors were not happy with. Comm. Hungerford confirmed with Ms. Spagnuolo that she is proposing that the lots be 50 foot lots for five homes, with garages in the back of the lots, and separate driveways to the garages to keep the character of the streetscape.

John Wozniak, a neighbor to the south of the proposed property, referred to a stack of petitions provided on the dais, which show neighbors opposition to the project as proposed. He said the petitions are from some of the neighbors that are older residents in the neighborhood. He said most of his concerns have been addressed and his biggest concern is the shared driveways, which staff does not seem to care about. He said he prefers only five homes be built instead of six. He said there would be a large two-story home next to his with the windows looking into his pool area. He said most of the neighbors do not want to

see these homes built. He commented he has not seen a traffic study done for this project.

Vice Chair Rowe asked Mr. Wozniak if he would rather have single-family homes or duplexes or four-plexes built on this site. Mr. Wozniak said he would prefer single-family homes.

Elizabeth Steward, a neighbor across the street from the proposed units said that she and her husband are okay with the plans. She discussed what she likes about the plans and does not like about the plans including the preference for five units and that the homes be single-family. She said she would like two cars to be able to pass in the driveways and would like the conditions to address the shade and window issues already mentioned by other speakers.

Ms. Spagnuolo said that several years ago there was an application for duplexes that were denied and she thought it was denied because of the size of the lot being less than 8,000 square feet. She wanted to know what is different now from then. Chair Sulser said that the Commission cannot comment on a past project that is not before them.

Mr. Szewczyk said Mr. Kirkish indicated there were apartments applied for in 1965. He discussed what they are presently proposing and discussed what they had changed since they first started this process. He said they are not asking for variances, and that they are exceptions. He said if they do go to 50 foot lots, he described the changes that he would expect. He said presently the proposal is for three driveways of 12 feet each. He said they are trying to soften the front elevations with additional landscaping, narrow the driveways and present houses instead of garage doors. He said they could reduce roof heights and eaves to address the solar issue. He said Sunnyvale still has a job/housing imbalance and he thinks the R-1.5 zoning is appropriate for this location.

Chair Sulser closed the public hearing.

Vice Chair Rowe confirmed with staff that the placement of the garages and shared driveways are only for the new proposed properties and new owners would be aware of the design when they purchased the home. Vice Chair Rowe discussed the existing R-2 zoning with staff stating that this area has been R-2 for a long time and staff would be only guessing as to why it was zoned R-2. Vice Chair Rowe confirmed with staff that houses have a 30 foot height limit in the R-0 and R-2 zoning districts and that a typical home in this area is probably 15 to 30 feet in height depending on whether the home is one or two story. Vice Chair Rowe asked if it is too late to address the window issue, with staff stating this

could be looked into, however if the windows are needed for egress, they may need to remain as proposed.

Chair Klein discussed the upgrades for lot 9, confirming with staff that lot 9 is 420 Flora Vista Avenue and that conditions 4.C and 14.A, 14.B and 14.C are referring to lot 9.

Comm. Simons moved to adopt the Negative Declaration and introduce an Ordinance to Rezone 421 S. Bayview Avenue, 408 and 420 Flora Vista Avenue from R-2 and R-0 to R-2/PD and R-1.5/PD and approve the Vesting Tentative Map for lots 1-9 with the modification to remove lot 6 and approve the Special Development Permit for five new single family homes on lots 1-5 with modified conditions. The modifications are: to add language that single-family lots are intended for lots 7 and 8; to add language that the driveway widths will be 11 feet and made of pervious materials for stormwater runoff and if other stormwater runoff requirements are needed in the future then additional requirements can be added; that five units be developed on S. Bayview; to modify condition 8 to include that new trees added shall be native species trees and as large as appropriate for placement on the lot; to follow through on the planned details that add differentiation to the homes including window and door styles, rafter details, garage door styles, molding used on the buildings, garage building styles which contribute to increasing the architectural detail; and that all units will not exceed a 50% FAR. Comm. Babcock seconded the motion. Comm. Babcock discussed with Comm. Simons the driveways on Bayview. Comm. Simons said his intent is that there be two shared driveways and one unshared driveways and added that the motion would include a modification that there would be a maximum of three driveways on the proposed sites on Bayview. Comm. Babcock agreed to the modification and asked for a Friendly Amendment that the applicant would continue to work with staff to address the privacy issues for the second story windows on both the northern most and southern most houses on Bayview, and also in the future the northern and southern houses on Flora Vista when those plans come through.

Comm. Klein asked for clarification about Comm. Simons' modification regarding the driveways being 11 feet and made of pervious materials and asked if he also meant that the courtyards would be pervious. Comm. Simons clarified that all of the paved areas would be pervious driveway, and with staff's input determined that would be the areas in front of the garage. Comm. Klein asked for a Friendly Amendment regarding lot 9 to increase the lot size by some larger number to have more front yard. Comm. Simons and Comm. Klein discussed lot sizes and determined that the motion would include that the lot sizes would be consistent with the Bayview Avenue lot widths and

give the extra space to lot 9. This Friendly Amendment was acceptable to the maker and seconder of the motion.

Vice Chair Rowe asked Comm. Simons why lot 6 is being removed. Comm. Simons said by removing lot 6, the remaining lots' widths would then be more consistent with the lot widths in the neighborhood.

Comm. Hungerford asked if the motion addresses the location of the garages. Comm. Simons said that the conditions would stay the same as stated in the report except for the items that have been changed, stating that would mean the garages would remain in the rear of the lots.

Comm. Simons said he appreciates the comments from the applicant and the neighbors as these comments bring additional ideas and often good changes to a project. He said he thinks the project with the modified conditions will bring a project that is more consistent with the neighborhood. He said the homes will be a bit larger and will be a great addition to the City. Comm. Simons said the shared versus individual driveways has been a conflict for him as he likes to see less land covered as a throughway for automobiles. He said the only way to minimize this with driveways is by putting the garages on the front of the property and he prefers the garages in the back. He said in this project with the garages in the back that he prefers the shared driveway as it puts less land dedicated toward driveways. He said he likes the condition with no parking allowed on the driveway as it mitigates his concern about access to the garages.

Comm. Babcock commented that there are many features of this project that are outstanding including the architecture, the garages located in the rear yard, the architecture blending with the neighborhood, and the homes are good sizes even before the basements are considered in. She said the entire development would be much better with five homes on Bayview with FAR not exceeding 50%. She said likes the shared driveway. She commented the street is narrow and keeping the parking off the street is good.

Vice Chair Rowe said she would be supporting the motion as she believes it is the best compromise. She said that it is better to see three driveways rather than six.

Chair Sulser said he would be supporting the motion. He said compared to other similar projects that the Commission has seen in recent months that the architecture and design on this project is fabulous. He commended the applicant for bringing this project forward.

ACTION: Comm. Simons made a motion on 2007-0463 to adopt the Negative Declaration and introduce an Ordinance to Rezone 421 S. Bayview Avenue, 408 and 420 Flora Vista Avenue from R-2 and R-0 to R-2/PD and R-1.5/PD and approve the Vesting Tentative Map for lots 1-9 with the modification to remove lot 6 and approve the Special Development Permit for five new single family homes on lots 1-5 with modified conditions: to add language that single family lots are intended for lots 7 and 8; to add language that the driveway widths will be 11 feet and the paved areas in front of the garages would be made of pervious materials for stormwater runoff and if other stormwater runoff requirements are needed in the future then additional requirements can be added; that five units be developed on S. Bayview with a maximum of three driveways on the proposed sites; to modify condition 8 to include that new trees added shall be native species and as large as appropriate for placement on the lot; to follow through on the planned details that add differentiation to the homes including window and door styles, rafter details, garage door styles, molding used on the buildings, garage building styles which contribute to increasing the architectural detail; that all units will not exceed a 50% FAR (Floor Area Ratio); that the applicant continues to work with staff to address the privacy issues for the second story windows on both the northern most and southern most houses on Bayview, and also in the future the northern and southern houses on Flora Vista when those plans come through; that the lot sizes would be consistent with the Bayview Avenue lot widths and give any extra space to lot 9. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be heard at the June 10, 2008 City Council meeting. (Item was advertised for June 3, 2008 and is to be continued to the June 10, 2008 meeting.)

To: Sunnyvale Planning Staff

Subject: Request for modifications to Project 2007-0463

Date: 5/14/2008

From: Michael Kirkish, applicant representing the Kirkish family, property owners of the 3 lots on Bayview and Flora Vista.

Due to the modifications to the project plan approved by the Planning Commission, we request the following changes to the project plan for Project 2007-0463:

We propose to defer all improvements to the existing duplex on Lot 9 from Phase 1 to Phase 2. The action by the Planning Commission makes this lot a conforming R-2 lot, and therefore makes it more viable for the property owners to consider major improvements. We have included specific details below regarding which improvements to this lot are to be moved to Phase 2.

Regarding driveways on Bayview, we disagree with the Planning Commission's proposal to restrict driveways to three shared driveways, and we propose five driveways for five houses along South Bayview. The original six-house plan along South Bayview would have required shared driveways in order to accommodate a detached garage, because those lots were 42 feet in width. We propose to follow the approval of the Planning Commission and eliminate lot 6 and widen each remaining lot on Bayview from 42 feet to 50 feet. Our architect, Ron Dick, has indicated that there is plenty of room to construct dedicated driveways and maintain the detached garages as well with the wider lot configuration. To resolve any concerns about drainage, our architect has proposed to construct the five driveways out of a semi-pervious material such as grass-crete to increase green area and to otherwise meet stormwater run-off requirements.

A second reason for providing five dedicated driveways instead of three shared driveways is to respond to neighborhood preferences. In the Community Outreach meeting in December, there was strong support from the neighborhood for dedicated driveways, and heated resistance to the shared driveway proposal. The neighbors stated that shared driveways lead to conflicts between neighbors and that shared driveways give the appearance of townhomes, rather than single family homes.

We do not know of any other development in the neighborhood or in the City of Sunnyvale which has this same requirement of shared driveways for single family homes. Therefore, subject to the project meeting storm run-off requirements, we strongly urge the City Council to remove the condition limiting the project to 3 shared driveways for the 5 units on Bayview, and to approve our proposal for a total of 5 driveways on Bayview, that is, 1 dedicated driveway on each of the 5 lots.

Additionally, we request the following changes to the Conditions:

1. We request that Condition 4.C regarding Design/Exterior Colors and Materials be eliminated. Condition 4.C specifies minor site upgrades to the existing duplex lot (lot #9). The motion by

the Planning Commissioner increases the size of this lot so that it will be a conforming R-2 lot. We propose to initiate a design study on the site with a view towards integrating exterior design changes into the design plan for Lots 7 & 8. Any proposed design changes to the site would require Planning Commission approval and a Design Review. In this case, we propose that the Design Review would supersede Condition 4.C and would be a requirement for Phase 2. Therefore, it is reasonable to eliminate Condition 4.C as a requirement for Phase 1.

2. Condition 8.E is in regards to Landscaping on Lot 9. The trees in Condition 8.E are mis-identified. They are not English Walnut, and are not protected according to the Tree Report. The 2 trees on Lot 9 are a Loquat and a Japanese Maple.
3. We request that Condition 1.G.3 be removed as a condition for Phase 1. As described above, we propose a Design Review on the existing duplex lot as a condition for completion of Phase 2 which will require an upgrade in parking for Lot 9. Therefore, we wish to remove Condition 1.G.3 as a requirement for Phase 1.
4. We request that Condition 8.A.1 regarding a landscape plan for the duplex lot be deferred until Phase 2 for the reasons described above.
5. Condition 1.G.4, deviation on minimum lot size for the existing duplex lot should be removed since this lot will be of conforming lot size for R-2.
6. Condition 8.E is incorrect and should be removed. The 2 trees on lot 9 are a Japanese Maple and a Loquat and they are not tagged. There are no English Walnut trees on this lot.
7. Regarding Condition 6, Fees, please clarify whether these are per new unit fees and whether the existing 4 units are taken into consideration in the calculation of the fees (House at 421 S. Bayview, 2 units at 408 Flora Vista, and cottage dwelling on Lot 8).
8. 16.M requires that the shared driveway between lots 3 & 4 shall be constructed in Phase 1 of the project. This condition should be removed since the revised proposal does not include a shared driveway between lots 3 & 4.
9. Regarding Condition 13, Solar Energy, we propose to eliminate this condition because the revised proposal locates the single driveway on the North side of lot 1, thereby moving the proposed house to the South enough to reduce the shading to well below 10%.
10. Condition 8G is incorrect. The Tree Report has 2 numbering systems. All trees are numbered. The "protected" trees receive a tagged designation. The tagged numbers only go as high as number 11. Therefore, there are not trees tagged as 17, 18, 19, 20, 21, 22, 23.

To: Sunnyvale Planning Staff

Subject: Response to neighborhood petition opposing Project 2007-0463 dated September 26, 2007

Date: 5/14/2008

From: Michael Kirkish, applicant representing the Kirkish family, property owners of the 3 lots on Bayview and Flora Vista.

We learned about a neighborhood petition after the April 28, 2008 Planning Commission Meeting. We would like to comment on that petition and point out that the petition contains significant misinformation about the project plan.

The basic premise of the petition is wrong in stating that we propose to convert single family lots into duplex lots. This is actually the opposite of the project plan. Our motivation to seek a zoning change under the PD overlay has always been to create single family lots. The R-1.5 PD zoning is a zoning designation for single family lots only. This fact was reiterated in the Planning Commission meeting and was confirmed by Sunnyvale Planning Staff. These facts were also discussed with neighbors and confirmed by Planning Staff in our Community Outreach Meeting in December. Apparently the authors of the petition did not realize there will be no new duplexes constructed in Project 2007-0463. We note that the petitioners appear to favor single family homes with front and back yards, adequate off street parking, and safe driveway access. We agree with the authors of the petition on these points and affirm that our project plan is designed to meet these goals.

Since the Community Outreach meeting in December, we have scaled back on the project by 1 lot. That is, we are now supporting a proposal for 8 total lots instead of 9, in line with the requests of several neighbors who expressed a preference for 50 foot lot widths. We believe that by reducing the scope of the project, creating larger single family lots on Bayview with 50 foot lot widths, and proposing dedicated driveways for each of the 5 homes on Bayview that we have responded positively to feedback from the neighborhood and the Planning Commission.