

Sobrato Development Company, LLC Sobrato Family Holdings, LLC
Sobrato Builders, Incorporated Sobrato Family Foundation
Sobrato Construction Corporation

City of Sunnyvale
Attn: Shuann Mendrin, AICP
Senior Planner
456 W. El Camino Real
Sunnyvale, CA 94086

Re: 1095 W. El Camino Real
Project Description

The Sobrato Organization is proposing a mixed-use project on an underutilized parcel located at 1095 W. El Camino Real, (APN 161-41-008), that is consistent with the goals of the El Camino Precise Plan and the Consolidated General Plan. The proposed mixed-use project will consist of a commercial medical office building for Palo Alto Medical Foundation, and 156 luxury multi-family apartments.

The tenant of the commercial medical office building, The Palo Alto Medical Foundation, is a non-profit health care organization dedicated to enhancing the health of the community. The office building will be three stories in height with an exterior skin that will be comprised of high performance glazing and metal panels that will compliment the proposed adjacent 156 unit multi-family luxury apartment project. The office building is proposed to be approximately 55 feet in height, and complies with setback requirements.

The high quality 156 unit luxury apartment project will be comprised of 1 and 2 bedroom for rent apartment units that will generally range from 700 to 1050 square feet. The contemplated on-site amenities will include outdoor area for the residents to congregate and socialize, a swimming pool, BBQ area, outdoor fireplace surrounded by seating, fitness center, bike storage, gathering/multi media room, business center, secured parking and onsite leasing management offices.

The exterior skin of the apartment project will be comprised of stucco and glass, and shall be between 3 and 4 stories in height. The geometry of the architecture is such that it is complimentary and of the same architectural vocabulary as the proposed commercial medical office building, contextual with the surrounding uses and vision for the future build out of the El Camino Real.

Along Olive Ave. the face of the building has been articulated to create visual interest and the project will be generously landscaped. The street will be activated with a grand staircase that will provide a window into the common amenity area of the project, and provide direct access to the street for the residents.

The height of the apartment project varies from 4 stories along the El Camino, to 3 stories over a partially submerged podium along Olive Ave.



Access points for the residents will be located both along the El Camino Real and Olive Ave., while access to the commercial medical office component will only be from the El Camino Real.

The parking for the project will be provided by a combination of covered, and uncovered, surface parking, and secured structured parking. The project will provide exclusive parking for both the commercial medical office building and the apartments. The parking requirement is met by providing exclusive parking for each component of the mixed-use development, in combination with a shared parking pool, which compliments peak and off-peak demands of the respective uses.

The proposed architecture is of a high quality, and representative of the high standards of the City of Sunnyvale. The mixed-use nature of the development combines both commercial and residential intensification in an infill location that is proximate to services and amenities that will be valuable to the residents, workers and visitors to the site. Furthermore the infill location is near multi-modal transportation opportunities, and allows the utilization of existing city infrastructure.

The Sobrato Organization appreciates the consideration of the proposed project, and we look forward to working with the City of Sunnyvale to deliver a project of the highest quality.

Best Regards

The Sobrato Organization


Richard Truempler
Director of Development



EXISTING VIEW FROM 447 LOETA AVENUE



VIEW FROM 447 LOETA AVENUE WITH PROPOSED PROJECT



KEY MAP

1095 W. EL CAMINO REAL

The Sobrato Organization
 10600 North De Anza Boulevard, Suite 200
 Cupertino, CA 95014-2075
 408.446.0700 Phone
 408.446.0583 Fax

POV FROM 447 LOETA AVENUE

SUNNYVALE, CA
 KTGy # 2012-0642

KTGY Group, Inc.
Architecture+Planning
 17922 Fitch
 Irvine, CA 92614
 949.851.2133
 ktgy.com





EXISTING VIEW FROM 702 LOIS AVENUE



VIEW FROM 702 LOIS AVENUE WITH PROPOSED PROJECT



KEY MAP

1095 W. EL CAMINO REAL

The Sobrato Organization
 10600 North De Anza Boulevard, Suite 200
 Cupertino, CA 95014-2075
 408.446.0700 Phone
 408.446.0583 Fax

POV FROM 702 LOIS AVENUE

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 KTGy # 2012-0642

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ATTACHMENT I

Traffic Impact Analysis (TIA)

**Electronic Copy of the TIA is available online on the
Planning Commission page under
the November 25, 2013 agenda**

<http://sunnyvale.ca.gov/CityGovernment/BoardsandCommissions/PlanningCommission.aspx>

To: Gary Luebbers, City Manager
Hanson Hom, Director, Community Development
City of Sunnyvale, City Council

November 27, 2013

Re: *Appeal of Planning Commission Decision, November 25, 2013, PC 2013-7258, 1095 W. El Camino Real, Special Development Permit, Vesting Tentative Map, Mitigated Negative Declaration, etc.*

This is to appeal the Planning Commission approvals in the matter of this development consisting of a mixed-use project with 156 residential apartment units in a four-story building and an approximately 41,000 square foot three-story office building on 4.1 acres on a former auto sales & repair site zoned Commercial General Business/Highway Business (C-2) and El Camino Real (ECR) Precise Plan.

The project as approved conflicts with the El Camino Precise Plan (ECPP) with respect to the following guidelines

- Mixed-use and residential may be considered for nodes, but are discouraged for mid-block (3.4.1, 3.4.8). *This project is outside of what is depicted as the “Western Node” at Bernardo (p.16).*
- Height within 75 feet of a residential zoning should be limited to the maximum allowable in the adjoining zoning district, in this case, R-3 (4.3.3) Per Table 19.32.020, this height is 30’ (35’ for townhomes). *The RTC indicates 55’ for this project, referencing SMC 19.26.160.¹ This issue is a conflict with a guideline, not a code deviation. In the project as approved, the north elevation shows the second story comes to 30’, and on top of this there is a third story and a roof screen bringing the height to 56’.*
- A buffer is recommended to residential areas, including a visual buffer, and evergreen trees for screening. (4.3.2) *The aesthetics of this project viewed from the residential area to the north are screened in part by deciduous trees and this screening, while portrayed in the submitted materials (Attach. H, p.1), is not shown to be effective in the winter months.*
- Existing mature trees should be preserved and incorporated. *This guideline appears not to be hewed to with respect to those trees lining Olive Avenue. (4.3.3). The trees are tall and appear to leave room for a sidewalk.*
- Designs that greatly contrast with the streetscape are to be avoided, such as “highly reflective glass boxes”. “The goal of the City is to create a vibrant commercial and mixed use district that has a visual unity and a unique sense of place, and that is more than just a collection of individual projects.” (4.2.1) *Depictions of this project in the context of its*

¹ 19.26.160. ECR combining district—General development standards for all properties ... (c) Building Height. For any portion of a building that is within seventy-five feet of a property line of a single-family residential zoning district the maximum building height shall be thirty feet. In all other cases, maximum building height shall not exceed fifty-five feet unless the property is located in a Node area delineated in the precise plan for El Camino Real.

surroundings are needed. As-is, it is left to the imagination whether or how visual unity is established with the Cala Center, for example.

In addition, by code

- the maximum lot coverage for a project in a C-2 district is 35% (Table 19.32.020), where the approval was for 45.7%.
- there appears to be a requirement for a buffer wall² for the north side of the property, and materials in the record do not support this deviation.

Several of these conflicts point to a question as to the appropriateness of this density in this location. The reasoning supporting deviations should make clear how the concern is addressed of the environmental consequences of piecemeal deviations from the ECPP, one of which is traffic congestion. Congestion has potential consequences for the economic prosperity of the ECR corridor, a key purpose of the ECPP. The effect of density on congestion is an area of widespread public concern and informs the identification of nodes in the ECPP, limited areas, where higher density, residential and mixed-use would be considered.

In addition there are certain details that could be clarified that relate indirectly to traffic:

- Current maps show this site as located within the Vargas attendance boundary,³ about 0.5 miles down Leota. Safe routes to school improvements from the site should be evaluated.
- Use of the bicycle at lunch-time for the office, or before or after work for the residents, would be favored by having easily accessible bicycle parking, in addition to the parking for residential use in the garage, and the 10 spaces provided for the office use. (Attach. B p.2; D, p.11).
- ECO pass for residents and workers should be considered.

In view of these issues, I respectfully request that this matter be heard by Council.

Sincerely yours,



Dave Whittum

² 19.26.160, Buffer Walls and Landscaping. A twenty-foot wide landscaped buffer area is required. The properties shall be separated by a masonry wall of a minimum height of eight feet, as measured from the highest adjoining grade.

³ Sunnyvale Elementary School District, School Site Boundaries, <http://bit.ly/1cAki7O>

EXCERPT

- 3. FILE #:** 2013-7258
Location: 1095 W. El Camino Real (APN: 161-41-008)
Proposed Project: **SPECIAL DEVELOPMENT PERMIT** to allow a mixed-use project with 156 residential apartment units in a four-story building and an approximately 41,000 square foot three-story office building. **VESTING TENTATIVE MAP** for condominium purposes.
Applicant / Owner: The Sobrato Organization / Sobrato Interests 2
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, (408) 730-7429, Smendrin@sunnyvale.ca.gov

Shaunn Mendrin, Senior Planner, presented the staff report.

Comm. Hendricks and Mr. Mendrin discussed the height of the proposed screen wall and that the new driveway onto Olive Avenue would generate additional traffic. Comm. Hendricks confirmed with Mr. Mendrin that on the El Camino Real side, all directions would be right-turn only in and out of the project.

Comm. Olevson and Mr. Mendrin discussed the effects of reducing the amount of compact parking spaces. Comm. Olevson noted that the owner may decide to convert the apartments into condominiums in the future and confirmed with staff that there would be sufficient space to accommodate the requirements for residential parking if changes do occur. Mr. Mendrin noted that a homeowner's association would manage parking if conversions were made, and that staff and the applicant adjusted the alignment of driveways on Olive to ensure no headlights would shine into homes on either side of the street. Ms. Ryan remarked that the parking requirement is the same for rental and ownership housing.

Comm. Durham noted that there is a pedestrian emergency vehicle access easement between Olive and El Camino Real and confirmed with staff that emergency access would be open 24 hours a day, but that it may not be open 24 hours to the public due to security reasons.

Vice Chair Melton confirmed with Mr. Mendrin that the medical services building would be for ophthalmology and confirmed the date of the adoption of the El Camino Real Precise Plan. Vice Chair Melton discussed with Trudi Ryan, Planning Officer, the project within the context of the focus on retail in the El Camino Precise Plan.

Vice Chair Melton opened the public hearing.

Richard Truempler, Director of Development for the Sobrato Organization, gave background information on the Sobrato Organization. **David Obitz**, with KTG Y Group, presented illustrations while summarizing elements of the project.

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Comm. Hendricks confirmed with Mr. Truempler that the easement from El Camino Real to Olive is intended to be open 24 hours. Mr. Truempler said that if the access becomes a problem for the project or neighborhood, they will work on restricting access by the use of a pedestrian gate or something similar. Comm. Hendricks asked staff if the Condition of Approval (COA) regarding the easement is currently listed as open 24 hours, to which Ms. Ryan said that it was not specifically. Comm. Hendricks confirmed with Mr. Truempler that he would be amenable to adding a specific COA.

Comm. Olevson discussed with Mr. Mendrin the addition of variation to the color palette, and noted that the change of the façade on Olive were a distinct improvement.

Comm. Durham said he would like to see the easement open 24 hours so people in the development north of Olive can walk through and reach the features on El Camino. He said it could potentially reduce traffic. Comm. Durham confirmed that the bike parking would be on the first level of the parking garage.

Vice Chair Melton confirmed with Mr. Truempler that the current intended use of the office building would be for ophthalmology. Vice Chair Melton noted that all sides of the building are predominately glass and asked how the applicant would allow patient privacy, to which Mr. Truempler replied that there will be mech-shades for screening.

Comm. Olevson confirmed with Mr. Truempler that the phase one and two studies showed minor amounts of hydrocarbons, and Mr. Truempler said they can all be mitigated.

Comm. Durham confirmed with Mr. Truempler that demolition work of existing concrete structures will take place during regular working hours.

Paul Brunemeier, a Sunnyvale resident, said he recognizes that growth and development is unavoidable, but asked the Commission to consider another location for this project and suggested that El Camino may not be an ideal place for a high density project. **Comm. Hendricks** noted that the applicant is working within the El Camino Real Precise Plan and asked Mr. Brunemeier if he would suggest a review of that plan. Mr. Brunemeier suggested earlier public notification of this project.

Rohit Mittal, a Sunnyvale resident, noted that this area is zoned for commercial use but has mostly a residential plan and said there is already burdened traffic on El Camino Real. He suggested scaling back the residential portion of the project to allow its intended retail use.

Govind Kamat, a Sunnyvale resident living in the Cherry Chase neighborhood, said the preferred use of this parcel was retail and the addition of more than 150 condominiums would have a serious impact on the schools.

Eleanor Hansen, a Sunnyvale resident, said she likes the balcony design feature, that she thinks there may not be enough parking, and that despite the Precise Plan defining this area for retail use, she thinks we need more residential space.

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Dr. Elizabeth Vilardo, with the Palo Alto Medical Foundation, said she is speaking in favor of this project which will have space dedicated for a not-for-profit clinic. **Vice Chair Melton** asked if Dr. Vilardo had any problems with the glass box architecture of the building, to which Dr. Vilardo responded that the shades and arrangement of the offices will not create any privacy problems.

John Cordes, a Sunnyvale resident, said bike parking should be on the ground level, suggested residents of the project receive eco-passes to mitigate the addition of vehicle trips and said that he is in favor of the project because the City needs more housing.

Peter Botsford, a Sunnyvale resident, said additional housing will affect the quality of the schools, and that the public in the Cherry Chase area should have been notified of the project earlier.

Mr. Truempler said they were contacted in July by a concerned Cherry Chase neighborhood association who they invited to the meeting which they thought helped in terms of notification.

Comm. Durham noted that the number of units was reduced and the number of one and two bedroom units were scaled back equally, and commented that half of the units will not have children heading into the schools.

Vice Chair Melton closed the public hearing.

Comm. Hendricks noted that public notification was ranked by the Planning Commission as number one among the potential Study Issues, and discussed with Ms. Ryan what zoning is emphasized in the El Camino Real Precise Plan.

Comm. Larsson confirmed with Ms. Ryan that said staff had notified property owners and tenants within 1,000 feet of the project.

Comm. Hendricks moved Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.

Comm. Larsson seconded.

Comm. Hendricks thanked the members of the public who came out to speak, and said he can make the findings for the project. He said attendees of the meeting did not hear the Commission have a discussion about the architecture of the project, which occurred during the study session, during which comments were made having to do with changing the Olive side and it is nice to see that the applicant has made the suggested changes. He said this is a good project in terms of the context of the Precise Plan with mixed residential and commercial usage. He noted that the colors provide a good distinction between the residential and commercial buildings. He said he would like to add the specific condition that the easement be accessible 24 hours / 7 days a week. He suggested that if anything else comes up it can be reviewed by the Planning Division, and that the easement was a unique feature discussed in the study session

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that would change the flow for pedestrians and cyclists mid-block from the back side of the community on Olive out to El Camino. He said it is good that the additional driveway on Olive has been reoriented so headlights are not shining into residential homes. He remarked that he understands the concerns of traffic impact on El Camino, but that he does not think we are at a point where if you would say no to this project, you would say no to all future projects in this area. He said he thinks it is great that the applicant will be cleaning up the stuff in the ground to meet federal requirements, and that he thinks this is a good project on which to move forward.

Vice Chair Melton said he heard Comm. Hendricks offer a friendly amendment to add a COA to his own motion and asked if Comm. Larsson accepts.

Comm. Larsson asked staff if it would be challenging to change the COA regarding access to the pathway in the future if an issue arises and access needs to be closed off.

Comm. Hendricks said if it needed to be reviewed in the future it would go to staff and not come back to the Planning Commission.

Ms. Ryan said she would phrase the condition to say modifications can be made by the Director of Community Development without a public hearing.

Comm. Larsson said he concurs, and that there are a number of notable things about the project including the bicycle and pedestrian connection between Olive and El Camino so one can get from the apartment building to the Cala Shopping Center. He said currently you have to take a long path to get there, so this will be positive addition to the neighborhood. He thanked Ms. Hansen for her comment regarding having too much retail and said she is right that we could potentially be putting retail in a place where it will not do well or where there is currently too much retail. He said maybe we need a different mix and that having residential plus nonresidential is really what mixed-use is about, but that it does not need to be retail, so a medical office here is appropriate. He said he is pleased to see that the residential portion has been scaled down on Olive, and that the underground parking is beneficial because a majority of it will be hidden away under the building. He said the landscaping provided is double what the requirement is and will go a long way toward softening the building to make it a friendlier environment.

Comm. Chang said he can make the findings and will be supporting the motion. He said this is a great project in the right location and that while it would be better to have more retail, the project meets the El Camino Real Precise Plan guidelines. Comm. Chang thanked the applicant for reducing the number of units and the density and said he is looking forward to the project's completion.

Comm. Olevson said he will be supporting the project and can clearly make the findings. He said it fits in with existing Council-directed policy and with the El Camino Real Precise Plan. He said the project has been modified over time, but still fits the different criteria established by Council, and that he finds nothing negative about the project.

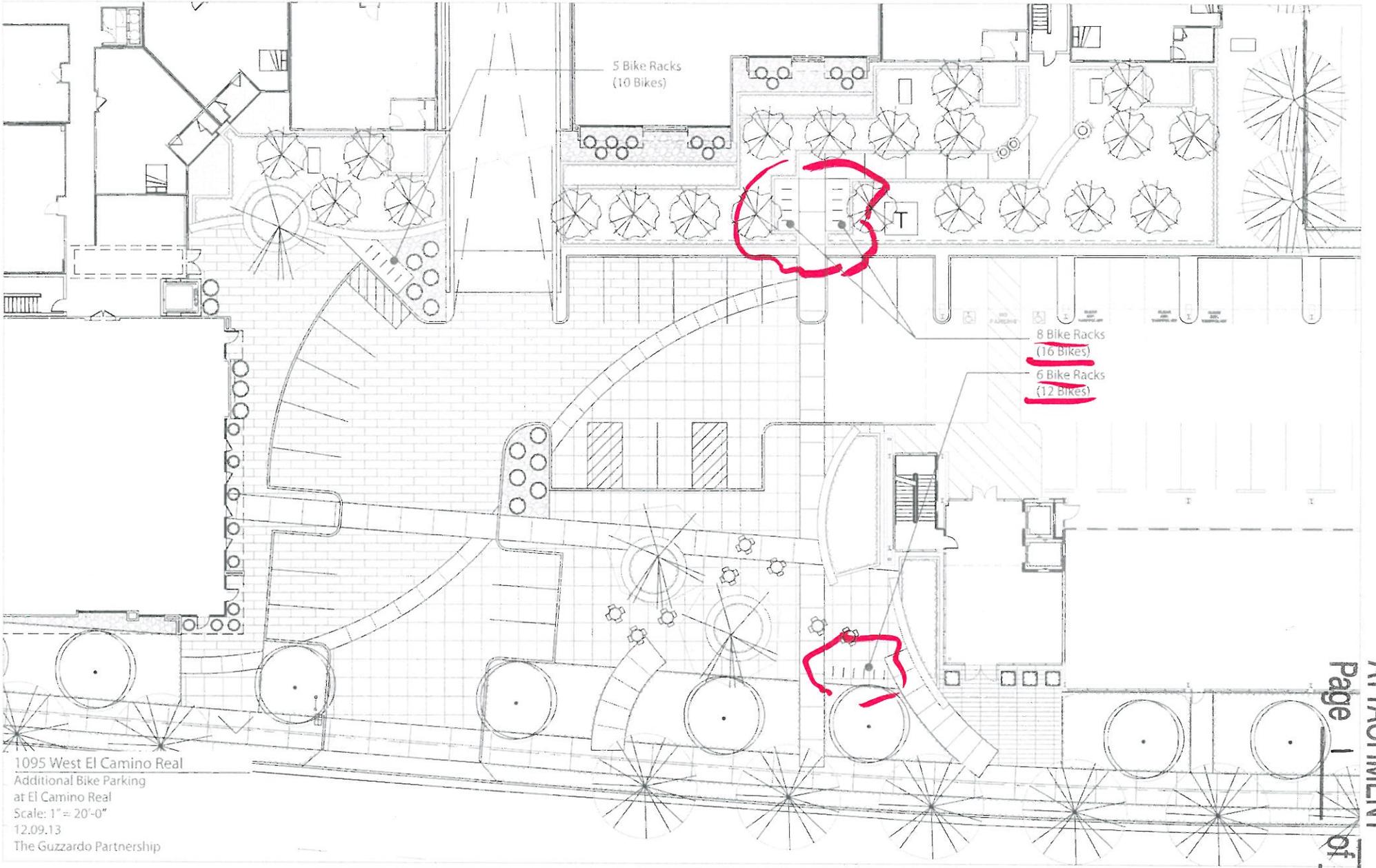
EXCERPT

Comm. Durham thanked the public for coming out to speak and said he would be supporting the development. He said he likes the pathway from Olive to El Camino, which will help mitigate traffic and make it easier for people north of Olive to get to retail without having to loop around on El Camino. Regarding comments about not having much retail, Comm. Durham noted that it is all retail from the west side of the development to next major street and he does not know what we would gain by having retail in the corner of this site. He said there are small windows on the apartments immediately west so there will be low-impact visibility. He said that this is a well-planned unit, he likes that it is broken up and thinks that it is a good color scheme.

Vice Chair Melton said he will not be supporting the motion and that he respects all of the input from the public and the comments from the Commissioners. He said he would quote Comm. Hendricks who said earlier that we have to work within existing policy and that when he feels uncomfortable with something he looks at the relevant policy documents, which in this case is the Precise Plan for El Camino Real. He said the policy was most recently updated in 2007 and from his perspective it is a fresh policy document. He said he went through the Precise Plan and found 13 instances that demonstrated that we should not do this project here, including a guideline that says mixed-use and residential projects should not be done mid-block. He said many of our policy documents are vague so that decision makers can interpret them based on the facts of the situation, and he understands why the Commission is making the current decision, but says there is overwhelming documentation in the Precise Plan that says we should not do this project here and now. He said that within the context of the Balanced Growth Profile we are way ahead on industrial and office space, okay in terms of housing, and way behind on retail. He said he could convince himself to vote yes if the project absolutely knocked his socks off, but it does not and that there is not enough for him to get over that hurdle. He said that while he respects all of the opinions heard, he will be pressing the no button.

Comm. Hendricks moved Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions and an additional condition to require the access way be open 24/7, and that the condition may be modified in the future by the Director of Community Development without a public hearing. Comm. Larsson seconded. Motion carried, 5-1 with Vice Chair Melton dissenting and Chair Dohadwala absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 10, 2013.



1095 West El Camino Real
 Additional Bike Parking
 at El Camino Real
 Scale: 1" = 20'-0"
 12.09.13
 The Guzzardo Partnership

December 09, 2013

To: Gary Luebbbers, City Manager
Hanson Hom, Director Community Development
City of Sunnyvale, City Council

Re: Appeal of Planning Commission Decision- 1095 W. El Camino Real, Sunnyvale, CA Special Development Permit.

This letter is to appeal the Planning Commission approvals of a mixed-use project with 156 residential apartment units in a four-story building and approximately 41,000 square foot- three story office building on a 4.1 acres on a former auto sales & repair site zoned commercial General Business/Highway Business (C-2) and El Camino Real (ECR) Precise Plan.

This appeal echoes all the concerns and conflicts that are documented in November 27, 2013 appeal of Mr. Dave Whittum to the City of Sunnyvale. Additionally, numerous members of the Cherry Chase neighborhood are raising the following concerns.

- 1 • According to the Sunnyvale zoning, this area is zoned for commercial retail use, not for residential housing. The Planning Commission must not ignore Sunnyvale's zoning rules and permit the construction of high-density apartment housing to proceed in a commercial retail zone.
- 2 • The El Camino Precise Plan clearly states that residential housing and mixed-use developments should not be located in mid-block locations. Yet this plan does exactly that. The Planning Commission must not disregard the recommendations of the El Camino Precise Plan and approve this proposal.
- 3 • The Planning Commission failed to evaluate, take into account, and mitigate the impact of this project on Sunnyvale schools. With 156 units and average children per family of 1.7, this project could potentially increase the school enrollment by 250 students within a year of development.
 - o How many additional students does the Planning Commission project will be added to Vargas Elementary School, Sunnyvale Middle School, and Homestead High School respectively by this project? The Planning Commission has failed to make this projection.
 - o Can the schools accommodate the additional students within their existing facilities, or will additional portables, rooms, or buildings be necessary?
 - o What are the one-time and ongoing costs that the additional student load will create for each school?
 - o Has there been a study conducted demonstrating the Sunnyvale school's ability to enroll additional 250 students without raising taxes, fees, or other levies on the present Sunnyvale taxpayers?
 - o What are the impact fees being paid by the developer for the burden on the school system?
 - o How much additional total property tax revenue is projected to be generated by the project?
 - o How much of that property tax revenue will go to each of the three schools?
 - o Will that incremental revenue suffice for covering the expenses incurred to educate the additional students?

- 4 • The traffic surrounding the proposed project area is already congested and moves slowly. With the proposed residential and office building, the traffic and congestion will get worse, dangerous, noisy, and potentially will result in accidents and fatalities. There may be a significant increase in congestion at peak-hour times such as 8 a.m., when people are departing for work and families are taking children to school, and 5 p.m., when people are returning from work and bringing home children from after-school activities. This is one of the reasons that the El Camino Precise Plan discourages locating residential housing on El Camino Real, particularly at mid-block locations. The Planning Commission must not ignore this guidance.
- 5 • This location directly faces the busy El Camino Real highway. The project envisions 156 units of residential housing, but it does not include a park to provide space for the children to play. The Planning Commission should not be adding a large number of housing units directly on a highway without providing a park for the children to play in. Otherwise, children may be tempted to play on the grass adjacent to the highway or in the parking lots, creating safety hazards for the children and motorists alike.
- 6 • Many members of the Cherry Chase neighborhood believe that the surrounding residents were not given adequate written notice of the proposal. Some residents who will have a clear view of the finished buildings received no notice at all.
- 7 • During the hearing, the Planning Commission focused on trivial issues such as the color of the walls of the proposed development, rather than the dealing with the critical issues such as the impact on local schools, traffic, and public safety.
- 8 • The Planning Commission of Sunnyvale does not appear to be negotiating as well with real estate developers as well as the commissions of other cities such as Palo Alto in negotiating concessions, impact fees, and public works to ensure that the quality of schools, traffic, and safety are not harmed by development projects.
- 9 • Adding 156 units of high-density apartment housing will increase the burden on public safety staff due to the concentrated increased population. How much additional public safety staffing will be necessary to provide public safety services? What will the cost be? The developer should pay impact fees to mitigate these costs.
- 10 • The Planning Commission has ignored the aesthetic impact of the project on the surroundings. Erecting a 54' tall structure takes away the natural beauty of the trees and of open space. A 54' high structure is inconsistent with the surrounding neighborhoods, including the two-story residential apartments to the north, the surrounding two-story retail buildings, and the single-story single family homes in the adjacent Cherry Chase neighborhood to the south.
- 11 • In evaluating the project's compatibility with the adjacent neighborhoods, the Planning Commission failed to list the Cherry Chase neighborhood of single-story, single family homes as one of the adjacent neighborhoods even though many Cherry Chase residents will have a clear view of the buildings.
- 12 • A 54' high structure at this location will inevitably shade the balconies of the adjacent two-story apartments across Olive Avenue for much of the afternoon. The height should be reduced, and the structure should be stepped back facing Olive Avenue (not only on the side facing El Camino) to minimize the shading effect on surrounding apartments.
- 13 • The Planning Commission report states that if the developers achieve LEED Gold certification, they might receive an additional 10' height incentive. This would further exacerbate the incompatibility of this four- or perhaps then five-story development with all of the surrounding neighborhoods.

14 We request that the following changes be made to the project plan:

- Because this is a location zoned for retail use, the apartment housing component of the development should be eliminated and replaced by commercial retail space (or at least by office space).
- The developer must make a legally binding commitment that the project will not increase in height beyond 54' under any circumstances and must waive the right to receive a height incentive.
- The height of the development must be reduced from 54' to achieve compatibility with the structures in the surrounding neighborhoods.
- The structure must be stepped back facing Olive Avenue to avoid shading the balconies of the adjacent two-story apartments.

15 • If, however, the Planning Commission and the City Council insist on disregarding the zoning of this location and the guidance of the El Camino Precise Plan by locating residential housing in this location:

- A projection must be made of the number of students expected to attend Vargas Elementary School, Sunnyvale Middle School, and Homestead High School as a result of this development and the effect this will have on class sizes without other changes.
- The one-time and ongoing costs of the additional students must be estimated.
- Impact fees should be paid to fully mitigate these costs. In particular, the developer should shoulder the cost of any new construction that will be required to serve the additional students.
- A reserve fund, refundable after 7 years if not used, should be created to handle any unexpected costs incurred by this project within the first 7 years after completion.

In view of these issues, the undersigned members of the Cherry Chase neighborhood respectfully request that this matter be heard by Council and that the project plan be sent back to the Planning Commission for further investigation and changes in order to mitigate the issues the current proposal has created and failed to address.

Sincerely,

Lalit Goel
Eric Krock



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: December 14, 2013

TO: Mayor and Members of the City Council

FROM: Hanson Hom, Community Development Director

THROUGH: Gary Luebbers, City Manager

RE: 1095 W El Camino Real Appeal

A second appeal letter was received from a member of the public (dated December 9, 2013, see Attachment N). Staff has number the comments in the appeal letter and referenced them below with a brief statement and provide a response to each comment.

Comment 1. Consistency with Zoning

Staff Response: Consideration of residential uses for the subject site does not represent a disregard of City zoning. The current C-2 zoning allows for a mix of uses including residential through the review of a Special Development Permit, which is included with this application. Several other sites along El Camino Real that are zoned C-2 include a mixture of commercial and residential uses such as Charles Avenue Center (where Charles Schwab is located) at Cezanne, Amber Center at 117 E. El Camino Real (entry to residential is from the non-ECR side), SummerHill/Marriott site (former Chevrolet dealership). Also refer to staff response to Councilmember's comment 1.

Comment 2. Consistency with the Precise Plan for El Camino Real

Staff Response: For clarification, the Plan states the Mid-block mixed-use projects are discouraged (not prohibited) and commercial uses are prioritized with the minimum 25% FAR policy. Staff has explained the rationale as to why the proposed development is acceptable on this site in the RTC and response to Councilmember's comment 1.

Comment 3. Impact on Schools

Staff Response: Based on current demographic information from the School Districts, the proposed project would generate approximately 11-17 students

which would be spread between elementary, middle and high school. Staff has discussed the student generation numbers with the Sunnyvale School District; the District found the calculations reasonable and has indicated that there would not be capacity issues for Vargas elementary school. Also refer to comment 15 below.

Comment 4. Traffic Impact on Surrounding Streets

Staff Response: A transportation impact analysis for the project was prepared according to the requirements of State Congestion Management law. Thirteen intersections were evaluated in the project vicinity to determine whether existing congestion is occurring (as defined by the Santa Clara County Congestion Management Program and City level of service policy), and whether the project would add traffic that would cause or add to congestion. The analysis also studied future anticipated conditions in the year 2023. The study found that all study intersections are operating at acceptable service levels in the existing, project, and future year conditions. Therefore no congestion is anticipated to occur related to this project, and the project will not exacerbate any existing congestion or cause or contribute to congestion in the future. Also refer to staff response to Councilmembers comment 3.

Comment 5. Impact on Parks

Staff Response: Refer to staff response to Councilmember's comment 3.

Comment 5. Safety of Children

Staff Response: The proposed residential project is providing private and common open space on the site for residents, consistent with other residential developments in the City. The main common area for the site will be located within the center of the building and secured safely from El Camino Real. The project will be paying the required Park In-Lieu Fee of approximately \$2.9 million. The site is located about one-half mile from Washington Park for larger play fields.

Comment 6. Adequacy of Public Notification

Staff Response: The Zoning Code requires notification to be mailed to residents within 300 feet of a project. Notification for the Planning Commission hearing was sent to all property owners and tenants within at least 1,000 feet of the project site (see Attachment A, Vicinity and Noticing Map). The Planning Division has been providing expanded notices for larger projects. Also see staff's response to comment 11 below.

Comment 7. Planning Commission Hearing focus on trivial issues, such as color.

Staff Response: The site plan and architecture are under the purview of the Planning Commission review; the questions and comments on color are appropriate. The Planning Commission also discussed the suitability of the

proposed uses, relationship to the Precise Plan, access and traffic (see Draft Planning Commission Minutes, Attachment K). Also see response to comment 9 (below).

Comment 8. Planning Commission Negotiation

Staff Response: The Planning Commission has provided direction to the applicant at past Study Sessions and the applicant has been responsive to those issues. In addition, the applicant will be dedicating a public access easement along the west property line. The applicant will be paying all applicable traffic, school and park mitigation fees as required by code. Sunnyvale and other communities have required additional community benefit features from projects if the project is considered to have a potential impact on city services that cannot be mitigated with standard impact fees and taxes.

Comment 9. Public Safety

Staff Response: Department of Public Safety does not have a formula for establishing staffing ratios. Staffing is based on a needs based approach, budgetary availability, labor agreements and calls for service. The adopted standards are currently being met. However, the ability to meet standards will require on-going evaluation as the City continues to experience growth in both population and vertical building. Emergency Medical Service (EMS) delivery citywide is likely to generate additional demands as growth is experienced in both the daytime commuter population as well as residential population. These calls for service impact both the Bureau of Police Services and Bureau of Fire Services as the bureaus provide dual response for better on-scene averages. In the police bureau, the largest call volumes are related to disturbances and traffic incidents. The disturbance calls include many that become domestic disturbance, active fights or other more complex and demanding investigations. The City has not enacted an impact fee for public safety services. Generally, normal fees and taxes associated with a development (increased property taxes) are sufficient to provide the minimum services. The increased property taxes from the proposed project will result in an additional \$80,000 toward the City's General Fund.

Comment 10. Aesthetic Impact

Staff Response: The El Camino Real corridor is zoned for taller buildings as per the adopted Precise Plan for El Camino Real. The maximum height of the residential building is 54 feet, which does not exceed the 55-foot height limit in the C-2 zoning district. The project applicant has designed the project to step down to the adjacent residential homes on Olive Avenue, bringing the building height down to 43-feet. The applicant also provided context studies (Attachment H) to demonstrate the visibility of the project from nearby single-family neighborhoods. The studies clearly indicate that the project will not be

visible from Lois Avenue on the south side of El Camino Real and would be slightly visible from Loeta Avenue to the north.

Comment 11. Compatibility with Adjacent Neighborhoods

Staff Response: See response to Comment 10 above.

Comment 12. 54' High Structure/Shading

Staff Response: Staff has requested that the applicant provide a shading diagram of noon on December 21 to address this concern and staff will include the diagram in the staff presentation on December 17, 2013.

Comment 13. LEED Gold

Staff Response: The project applicant has not requested the LEED Gold height incentive; therefore this is not an issue for the proposed project. If the developer were to revise the project and propose an increase in height, it would be considered a substantive change that would require Planning Commission review.

Comment 14. Requested Changes

Staff Response: The existing C-2 zoning allows the City Council to consider a mixture of commercial and residential uses on the property. The proposed building height will not exceed 55-feet as proposed by the project. The applicant is not seeking a height incentive through a LEED Gold Certification, but as noted above this has not been requested by the applicant and, if proposed, would require review by the Planning Commission. The building provides stepped setbacks along Olive Avenue per staff direction. The shading study indicates that the project would comply with zoning code requirements to minimize shading of adjacent rooftops. The Council has the option of reducing the number of housing units, or they may deny the project if the Council cannot make the findings for approval.

Comment 15. If Approved by City Council

Staff Response: Staff has consulted with the school districts and estimated that the project will generate 11-16 students. Students from the project are in the attendance area for Vargas School (K-5), Sunnyvale Middle School (6-8) and Fremont High School Districts (9-12). The project applicant will be required to pay one-time school mitigation impact fees prior to issuance of building permits. These fees are estimated to be approximately \$460,000 (FUHSD and SSD), which must be used for facility improvements per state law. Staff has also estimated the additional funds that the school districts would receive from increased property taxes. Annually, Sunnyvale School District will receive an additional \$133,000 and Fremont Union High School District will receive an additional \$115,000 a year. These funds can be used for on-going operational costs.