



**Draft for Planning Commission review  
on March 14, 2011**

**Council Date: March 29, 2011**

- SUBJECT:** **2010-7456 / 2010-7738 - Taylor Morrison CA LLC:**  
Applications for a 7.3-acre project located at **1044 East Duane Avenue** in an M-S/ ITR/R-4/PD Zoning District (APN: 205-23-001):
- Resolution **Certify the Addendum** to the Environmental Impact Report for the 2007 East Sunnyvale Industrial-to-Residential Project;
- Resolution **General Plan Amendment** from Industrial-to-Residential High Density (ITRHI) to Industrial-to-Residential Medium Density (ITRMED);
- Ordinance **Rezone** from M-S/ITR/R-4/PD (Industrial and Service/ Industrial-to-Residential/High Density Residential/ Planned Development) to M-S/ITR/R-3/PD (Industrial and Service/ Industrial-to-Residential/Medium Density Residential/ Planned Development);
- Motion **Special Development Permit** to allow the development of 132 townhome-style condominiums;
- Motion **Vesting Tentative Map** to allow 132 condominium units and 32 common lots.

**REPORT IN BRIEF:**

**Existing Site Conditions** Vacant site with foundations of five previously demolished industrial office buildings

**Surrounding Land Uses**

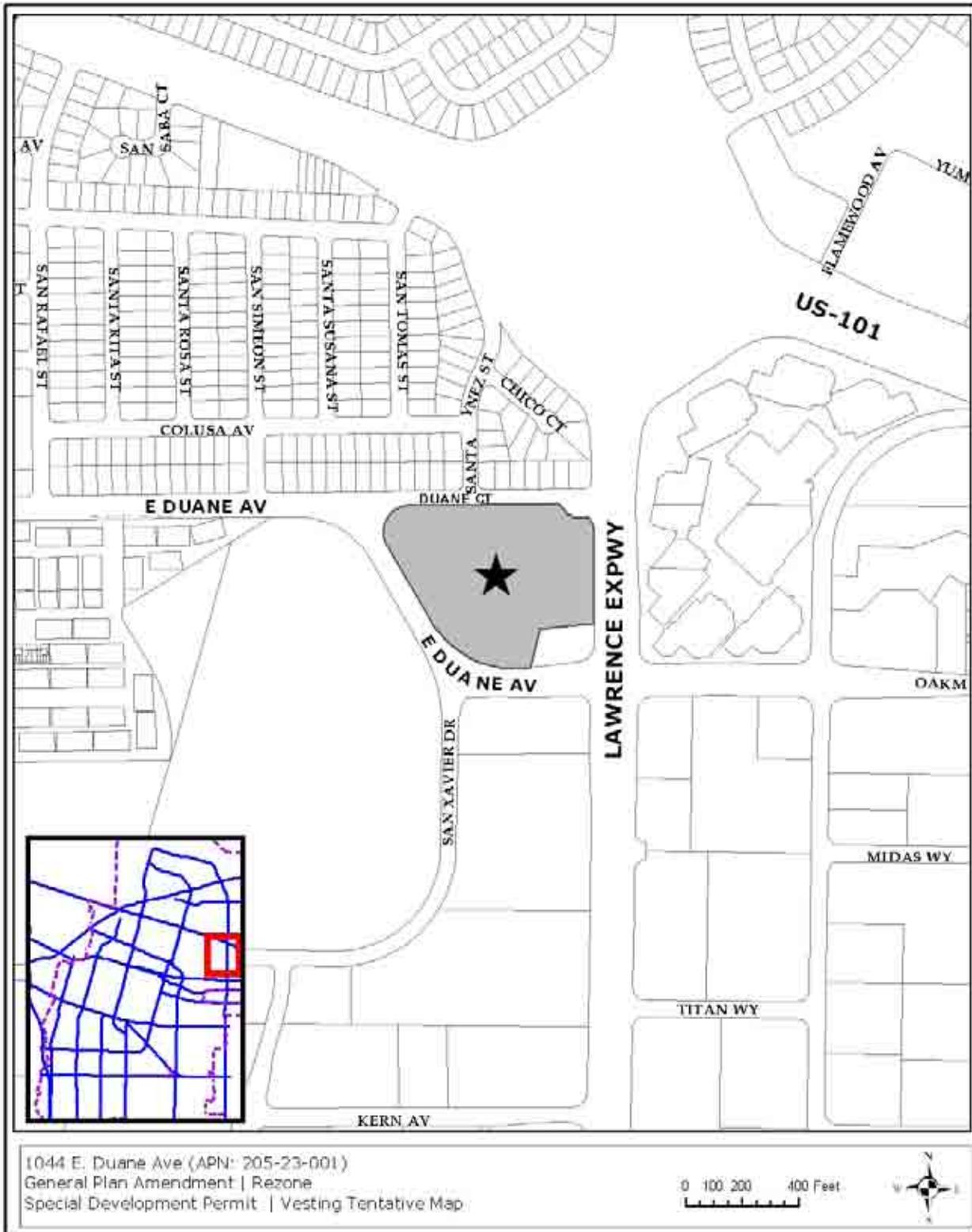
- North Single-family residential (across Duane Ct.)
- South Automobile service station; institution of higher learning (across E. Duane Ave.)
- East High-density residential (across Lawrence Expwy.)
- West Industrial/R&D – AMD Campus (across E. Duane Ave.)

**Issues** Density, architecture, setbacks, height, tree shading

**Environmental Status** An Environmental Impact Report (EIR) was previously prepared and certified in 2007. An Addendum to the EIR has been prepared for this project.

**Staff Recommendation** Certify the EIR Addendum, Amend the General Plan designation to RMED, Rezone the property to R-3/PD, and approve the Special Development Permit and Vesting Tentative Map with conditions.

**VICINITY MAP**



**PROJECT DATA TABLE**

|   | <b>EXISTING</b>                        | <b>PROPOSED</b>                          | <b>REQUIRED/<br/>PERMITTED</b>         |
|---|--|--|--|
| <b>General Plan</b>                         | Industrial-to-Residential High Density | Industrial-to-Residential Medium Density | Industrial-to-Residential High Density |
| <b>Zoning District</b>                      | M-S/ITR/R-4/PD                         | M-S/ITR/R-3/PD                           | Pending approval of GPA/RZ             |
| <b>Lot Size (s.f.)</b>                      | 318,090                                | Same                                     | 8,000 min. [R-3]                       |
| <b>Gross Floor Area (s.f.)</b>              | 0                                      | 328,464                                  | No max.                                |
| <b>Lot Coverage (%)</b>                     | 0                                      | 40%                                      | 40% max.                               |
| <b>Floor Area Ratio (FAR)</b>               | 0                                      | 103.3%                                   | No max.                                |
| <b>No. of Units</b>                         | 0                                      | 132                                      | 176 max.                               |
| <b>Density (units/acre)</b>                 | N/A                                    | 18.1                                     | 24 max.                                |
| <b>Meets 75% min?</b>                       | N/A                                    | Yes                                      | 132 min.                               |
| <b>Bedrooms/Unit</b>                        | N/A                                    | 54 three-bedroom +<br>78 four-bedroom    | ---                                    |
| <b>Unit Sizes (s.f.)</b>                    | N/A                                    | 1,815 to 2,062<br>excluding garages      | ---                                    |
| <b>Lockable Storage/Unit</b>                | N/A                                    | Covered garages                          | 300 cu. ft. min.                       |
| <b>No. of Buildings On-Site</b>             | 0                                      | 27                                       | ---                                    |
| ★ <b>Distance Between Buildings</b>         | N/A                                    | 10 min.                                  | 26 min.                                |
| ★ <b>Building Height (ft.)</b>              | N/A                                    | 38' 10"                                  | 35 max. (for townhomes)                |
| <b>No. of Stories</b>                       | N/A                                    | 3  | 3 max. (for townhomes)                 |
| <b>Setbacks</b>                             |  |  |  |
| ★ <b>Front (on Duane Ct.)</b>               | N/A                                    | 8' min., 20' avg.                        | 20' min.                               |
| ★ <b>Front (on E. Duane Ave.)</b>           | N/A                                    | 13' min., 19' avg.                       | 20' min.                               |
| <b>Front (on Lawrence)</b>                  | N/A                                    | 52' min., 54' avg.                       | 20' min.                               |
| ★ <b>Rear (adjacent to service station)</b> | N/A                                    | 17' min., 21' avg.                       | 20' min.                               |
| <b>Landscaping (sq. ft.)</b>                |  |  |  |
| <b>Total Landscaping</b>                    | N/A                                    | 91,560                                   | 63,618 min.                            |
| <b>Landscaping/Unit</b>                     | N/A                                    | 693.6                                    | 425 min.                               |

|                                       | <b>EXISTING</b> | <b>PROPOSED</b>  | <b>REQUIRED/<br/>PERMITTED</b>                |
|---------------------------------------|-----------------|--|---|
| <b>Usable Open Space/Unit</b>         | N/A             | 467 (not including 134 sq. ft. per unit of private patios & balconies) | 400 min.                                      |
| ★ <b>Frontage Width (ft.)</b>         | N/A             | 13 min.  | 15 min.                                       |
| ★ <b>Parking Lot Area Shading (%)</b> | N/A             | 41%  | 50% min. in 15 years                          |
| <b>Water Conserving Plants</b>        | N/A             | Final landscape plans will comply                                      | 80% + limit turf, or water budget             |
| <b>Recreation Building (s.f.)</b>     | N/A             | 671 (490 usable + 181 kitchen and restrooms)                           | 450 min. (not including kitchen or restrooms) |
| <b>Parking</b>                        |                 |  |   |
| <b>Total Spaces</b>                   | 0               | 342  | 342 min.                                      |
| <b>Standard Spaces</b>                | N/A             | 335  | 335 min.                                      |
| <b>Compact Spaces/<br/>% of Total</b> | N/A             | 7 / 9%   | 10% max. of uncovered                         |
| <b>Accessible Spaces</b>              | N/A             | 4  | Per ADA requirements                          |
| <b>Covered Spaces</b>                 | N/A             | 264  | 264 min.                                      |
| <b>Aisle Width (ft.)</b>              | N/A             | 24   | 24 min.                                       |
| <b>Bicycle Parking</b>                | N/A             | Class I in garages, 35 Class II  | 33 Class II min.                              |
| <b>Stormwater</b>                     |                 |  |   |
| <b>Impervious Surface Area (s.f.)</b> | 284,040         | 246,720  | No max.                                       |
| <b>Impervious Surface (%)</b>         | 89.3%           | 77.6%  | No max.                                       |

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **BACKGROUND**

The proposed project consists of 132 townhome-style condominium units. A higher density project totaling 304 units was previously approved in 2007 (see detailed background below). The previous project was never constructed and the applicant is now requesting a revised project with reduced density.

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

On February 27, 2007, the City Council approved the East Sunnyvale Industrial-to-Residential (ITR) Project. This action included a General Plan Amendment and Rezoning of 60 acres of property in the area, including the subject site, to add an ITR combining district. The subject site was designated for high density residential. The Council subsequently approved a 304-unit

development on the subject site. The previously approved project included 12 three-story townhome buildings (68 units) along with a five-story podium-style condominium building (236 units). These entitlements are currently valid until May 2011 and may be extended a further year. On May 11, 2010, the City Council initiated a General Plan Amendment study for the subject site to allow consideration of a reduction in density. The previous planning applications for this site are summarized below:

| File Number               | Brief Description  | Hearing/Decision         | Date       |
|---------------------------|--|--------------------------|------------|
| 2010-7143<br>(RTC 10-100) | General Plan Amendment Initiation to study a change from ITRHI to ITRMED                           | City Council / Initiated | 05/11/2010 |
| 2009-0315                 | Miscellaneous Plan Permit to extend validity of SDP/TM #2006-0610                                  | Staff / Approved         | 04/21/2009 |
| 2006-0610<br>(RTC 07-180) | Special Development Permit and Tentative Map to allow 304 residential units                        | City Council / Approved  | 05/22/2007 |
| 2005-0573<br>(RTC 07-084) | General Plan Amendment/ Rezone to establish the East Sunnyvale ITR Area including the subject site | City Council / Approved  | 02/27/2007 |

**Proposed Revised Project**

The current proposal eliminates the five-story podium building and replaces it with additional townhome-style buildings. The revised project includes 132 units. Modifications to the previously approved site layout, floor plans, and architecture are also proposed.

**DISCUSSION**

**Requested Actions/Permit(s)**

The following permits are associated with the proposed revised project:

- **General Plan Amendment**

Change under Consideration: Industrial-to-Residential High Density (ITRHI) to Industrial-to-Residential Medium Density (ITRMED); or to Residential Medium Density (RMED) eliminating the ITR designation.

Discussion: The existing General Plan designation permits a density range of 27 to 45 dwelling units per acre (du/ac). The proposed density (18.1 du/ac) is inconsistent with the current designation. The applicant proposes amending the General Plan to reduce the site’s permitted density to a range of 14 to 27 du/ac. Detailed analysis of this request is provided below.

- **Rezoning**

Change under Consideration: Industrial and Service/Industrial-to-Residential/High Density Residential/Planned Development (M-S/ITR/R-4/PD) to Industrial and Service/Industrial-to-Residential/Medium Density Residential/Planned Development (M-S/ITR/R-3/PD); or to Residential Medium Density/Planned Development (R-3/PD) eliminating the ITR designation.

Discussion: The existing zoning permits a maximum density of 36 du/ac. General Plan policies indicate residential sites should develop with at least 75% of the maximum permitted units. The existing zoning permits a maximum of 262 units on the subject site; a density bonus for affordable housing was used to facilitate the previously approved 304 units. The zoning designation requested by the applicant would allow a density of up to 24 du/ac (or a maximum of 175 units on the site). Both the current and requested zoning include the ITR combining district. This is a tool allowing industrial uses to remain as legal conforming uses while an area undergoes transition. The former industrial buildings have been demolished; as a result, the City Council may wish to eliminate the ITR combining district at this time. Detailed analysis of the Rezoning request is provided below.

- **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review. The SDP may allow deviations from development requirements. The proposed project requests the following deviations (see discussion below):

- Building height
- Distance between buildings
- Front and rear setbacks
- Landscaped frontage strip width
- Parking lot shading

- **Vesting Tentative Map**

A Subdivision Map is required to subdivide the existing parcel into 32 common lots and 132 condominiums.

## **ANALYSIS**

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### **Present Site Conditions**

The project site is a single parcel of 7.3 acres. The previous use was a research and development complex with five buildings. After approval of the previous SDP and Tentative Map, the buildings were demolished with the exception of the building pads. The site is currently vacant.

### **General Plan Amendment and Rezoning**

The proposed project includes amendments to the General Plan and Precise Zoning Plan to change the land use designation from high density residential to medium density residential. Under the current General Plan designation a maximum of 328 residential units could be permitted on the site; under the proposed designation this would be reduced to a maximum of 197 units. Issues to examine in considering the appropriateness of a density reduction include:

- Site location relative to transportation and services;
- Compatibility of the proposed density with surrounding uses;
- Housing demand and the requirement to meet a fair share of regional housing needs;
- Current market demand for various housing types;
- Level of urgency in redeveloping the property.

Several factors support the appropriateness of the site's current high density residential designation. The site is located adjacent to major roadways including Lawrence Expressway and Highway 101. It is also located adjacent to other ITR property zoned for high density residential (across East Duane Avenue). Maintaining the current designation could add a greater number of units to the City's housing stock and make a greater contribution to meeting regional housing needs. However, maintaining a high density residential designation may also significantly delay redevelopment. The applicant states that market conditions make it infeasible to construct higher density housing on the site. Despite approval for 304 units in 2007, the property remains vacant due to the high cost and low demand for podium-style construction.

A reduction in density would facilitate redevelopment and provide a more immediate supply of new housing units. Several additional factors support the appropriateness of the proposed medium density residential designation. Single-family residences are located to the north across Duane Court, and these residents have expressed significant concern about the impacts of high density residential uses on the character of their neighborhood. The proposed designation is more compatible with the adjacent low density residential uses, and the resulting change in development intensity and height would reduce the impacts of redevelopment on neighboring single-family homes. While a density reduction would reduce the overall potential for new housing units, it would not impact the City's ability to provide its share of regional housing needs (see Attachment A, pp. 1-2). In addition, current proposals from nearby property owners to expand the East Sunnyvale ITR area have the potential, if approved, to contribute additional housing units which would compensate for the density reduction on this site.

### **Proposed Site Layout**

The proposed project is served by private streets taking access from East Duane Avenue and Duane Court (see Attachment E – Site and Architectural Plans). The project’s 132 units are arranged into 26 three-story buildings, with each building having between three and seven units. The project provides 54 three-bedroom units ranging from 1,815 to 1,855 square feet and 78 four-bedroom units ranging from 2,000 to 2,062 square feet (excluding garage areas). The units along on East Duane Avenue and Duane Court will have front entrances facing towards the streets to create a more traditional residential streetscape. The interior buildings will face onto the central landscaped “paseos.” A landscaped corridor extends from the driveway along Duane Court into the primary common open space, which is located at the center of the site.

### **Architecture**

The proposal features two distinct styles of architecture (see Attachment E – Site and Architectural Plans). Buildings of the same style are grouped into districts within the larger site. The applicant is proposing five color combinations to provide variation between buildings. Sample color palettes will be provided at the Planning Commission and City Council meetings.

*Arts and Crafts style:* Scheme A is a contemporary interpretation of Arts and Crafts architecture adapted for a multi-family building. Wall materials include stucco, brick veneer, and fiber cement panels with battens to create a paneled box effect. Trims and accents are wood; metal patio and balcony railings are painted to blend with surrounding wood elements. The roof material is composition shingle. This style is used for 11 of the 26 buildings.

*Modern Rowhouse style:* Scheme B uses elements of Modernist architecture. Wall materials include stucco, cementitious siding, and fiber cement panels with trim spandrels. Accents consist of metal awnings, railings, and decorative roof elements. Reveal lines are used to divide the mass of larger stucco walls. The roof material is composition shingle. This style is used for 15 buildings.

Both schemes use articulation of wall planes to provide visual interest and reduce the appearance of bulk. Building forms, colors, and materials are used to visually break up the buildings by unit. Staff generally supports the proposed architecture but recommends several conditions of approval related to colors and materials (see Attachment B). With these conditions, staff finds the project architecture meets the goals of the City-Wide Design Guidelines.

### **Development Standards**

The proposed project generally complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code (SMC). The following

discussion highlights key issues including several for which the applicant is requesting a deviation from SMC requirements:

- **Setbacks:** The minimum front and rear setbacks in the R-3 Zoning District are 20 feet. The applicant requests a deviation for the front yards along Duane Avenue and Duane Court, and for the rear yards adjacent to the Chevron/Car Spa site. Setbacks along Duane Court generally observe the 20-foot requirement; the requested deviations are minor and limited to architectural projections in a few areas. While two-thirds of the units fronting on East Duane Avenue have reduced setbacks, these units face a major street 75 feet wide, therefore setbacks are not expected to negatively impact the surrounding neighborhood. Approximately 10 square feet of one building extends into the rear setback, so the expected impact is minimal. Staff supports the requested deviations as they are minor and assist in meeting architectural and site planning goals for the project.
- **Building Height:** The maximum height of R-3 townhomes is 35 feet (three stories). The project proposes three-story units with a total height of 38 feet 10 inches. The majority of the roof area falls within the 35-foot height limit, but there are several locations on each building where roof elements project above 35 feet. Staff supports this deviation as it is limited in to several locations on each roof and enhances the architectural quality of the project.
- **Parking and Circulation:** The project complies with parking requirements and provides a total of 342 parking spaces. This includes a two-car garage for each unit (264 spaces) and 78 uncovered spaces which are unassigned. Staff recommends at least 25% of unassigned spaces be marked for use by guests only (Attachment B). On-site circulation is provided by private streets which access the public streets at two points. These driveways are in the same locations approved in the previous project. The driveway locations were determined using analysis from the 2007 EIR for the East Sunnyvale ITR Project as well as input from adjacent neighbors. Traffic mitigation measures including roadway improvements were also identified in the 2007 EIR analysis and shall be required for the proposed project.

**Landscaping and Open Space:** The conceptual landscaping plan indicates general compliance with SMC requirements. The project proposes approximately 300 new trees with other landscaping. Masonry walls are proposed along the rear property lines and along Lawrence Expressway. No walls are proposed along East Duane Avenue or Duane Court, as the townhomes front on these streets.

*Open Space Amenities:* Common open space consists of two pedestrian paseos, a central open space, and several smaller usable spaces. The central

open space is located in the interior of the site to maximize its usability and provides a recreation building, tot lot, and large open grassy area. The one-story recreation building includes a covered outdoor patio with seating. Other common amenities include a gazebo and a barbecue grill area. Private balconies and patios are also provided in addition to common open space.

*Parking Lot Shading:* The SMC requires tree plantings to achieve 50% shading of parking areas within 15 years. Current plans indicate 41% shading and the applicant requests a deviation. Staff does not find a hardship or unique situation related to the property which prevents the project from meeting the requirement, nor has it been demonstrated that other project features are significantly improved by relaxing this requirement. Staff recommends a condition of approval requiring final plans to meet the 50% minimum shading requirement for parking areas.

With the conditions listed in attachment B, staff finds the project landscaping meets the goals of the City-Wide Design Guidelines.

- **Below Market Rate Housing:** The project will include 17 Below Market Rate (BMR) housing units in compliance with SMC requirements.

### **Environmental Review**

An Environmental Impact Report (EIR) was previously prepared and certified in 2007 for the East Sunnyvale ITR Project in compliance with the California Environmental Quality Act (CEQA). The previously approved project on the subject site was evaluated as part of the East Sunnyvale ITR Project EIR. Mitigation measures for significant impacts were incorporated into the project (Attachment D). These impacts addressed through mitigation measures are not expected to increase as a result of the proposed revised project, and the mitigation measures identified in the 2007 EIR shall be incorporated into the proposed revised project. Significant and unavoidable impacts related to regional air quality and cumulative regional air quality were identified in 2007 and a Statement of Overriding Considerations was adopted at the time of certifying the EIR and approving the previous development project. These impacts will continue to be significant and unavoidable, but are not expected to increase as a result of the proposed revised project. This project does not modify the previous EIR Findings and Statement of Overriding Considerations.

An Addendum to the 2007 EIR has been prepared for the proposed revised project to address a change in CEQA requirements. Analysis of project impacts related to greenhouse gases (GHG) was not a requirement under CEQA in 2007, but is now a required component of environmental review. A GHG analysis has been performed for the proposed revised project and did not reveal

any new significant impacts or increases in the severity of impacts previously identified in the 2007 EIR. The EIR Addendum is provided in Attachment C.

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## **FISCAL IMPACT**

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No fiscal impact other than normal fees and taxes is expected.

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## **PUBLIC CONTACT**

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A neighborhood outreach meeting was held by the project applicant on July 26, 2010. Conceptual site and architectural plans were presented. The outreach meeting was attended by only one neighborhood resident. She stated that the reduced density of the project is positive, but she would prefer single-family homes adjacent to her neighborhood instead of a multi-family development.

**Planning Commission Study Session:** A Planning Commission Study Session was held on the proposed project on February 14, 2011. Several Commissioners expressed interest in seeing the applicant explore a higher density component of the project along the Lawrence Expressway frontage. The applicant states that prior to submitting this application they extensively explored higher densities and the potential to offer a variety of housing types on the site, but found the alternatives examined to be infeasible. The Planning Commissioners generally supported the project design in terms of architecture, site layout, landscaping, and floor plans. Several Commissioners expressed interest in seeing additional color exploration and consideration of alternative roof materials. The project's relationship to Lawrence Expressway was also discussed and one Commissioner recommended an enhanced decorative design for the proposed soundwall along the Lawrence Expressway frontage. Conditions of approval are recommended related to these items (Attachment B).

| <b>Notice of EIR Addendum and Public Hearing</b>  | <b>Staff Report</b>   | <b>Agenda</b>   |
|---|---|---|
| <ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 290 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul> | <ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul> | <ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li></ul> |

## **CONCLUSION**

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**Findings and General Plan Goals:** Staff was able to make the required Findings for the General Plan Amendment and Rezoning. Staff was able to make the required findings for the Special Development Permit and Vesting Tentative Map with the deviations requested by the applicant, excluding the deviation from parking lot shading requirements. Recommended Findings and General Plan Goals are located in Attachment A.

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

## **ALTERNATIVES**

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1. Recommend the City Council adopt a Resolution to certify the EIR Addendum; adopt a Resolution to amend the General Plan designation for 1044 East Duane Avenue from ITRHI to RMED; introduce an Ordinance to Rezone 1044 East Duane Avenue from M-S/ITR/R-4/PD to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.
2. Recommend the City Council adopt a Resolution to certify the EIR Addendum; adopt a Resolution to amend the General Plan designation for 1044 East Duane Avenue from ITRHI to ITRMED; introduce an Ordinance to Rezone 1044 East Duane Avenue from M-S/ITR/R-4/PD to M-S/ITR/R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with modified conditions.
3. Recommend the City Council adopt a Resolution to certify the EIR Addendum; not adopt a Resolution to amend the General Plan designation for 1044 East Duane Avenue; not introduce an Ordinance to Rezone 1044 East Duane Avenue; and deny the Special Development Permit and Vesting Tentative Map.
4. Recommend the City Council not introduce a Resolution to certify the EIR Addendum and direct staff as to where additional environmental analysis is required.

## **RECOMMENDATION**

Alternative 1: Recommend the City Council adopt a Resolution to certify the EIR Addendum; adopt a Resolution to amend the General Plan designation for 1044 East Duane Avenue from ITRHI to RMED; introduce an Ordinance to Rezone 1044 East Duane Avenue from M-S/ITR/R-4/PD to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.

Reviewed by:

Hanson Hom, Director, Community Development Department  
Prepared by: Mariya Hodge, Associate Planner  
Reviewed by: Trudi Ryan, Planning Officer

Approved by:

Gary M. Luebbers  
City Manager

### **Attachments:**

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. EIR Addendum
- D. Mitigation Monitoring and Reporting Program for Previously Certified EIR
- E. Site and Architectural Plans
- F. Letters from the Applicant
- G. Draft Resolution Certifying the EIR Addendum
- H. Draft Resolution Amending the General Plan
- I. Draft Rezoning Ordinance

## **RECOMMENDED FINDINGS**

### **Recommended Findings – General Plan Amendment and Rezoning**

1. *The City Council may approve an amendment to the General Plan or precise zoning plan upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest. [Finding made]*

The proposed amendments to the General Plan and Precise Zoning Plan to change the land use designation from high density residential to medium density residential are in the interest of the public. While the property is appropriate for high density residential uses based on its location adjacent to major roadways, it is also adjacent to a single-family residential neighborhood. The lower intensity of development associated with the proposed designation is more compatible with the adjacent low density residential neighborhood and will reduce the impacts of redevelopment on neighboring single-family homes. The proposed designation is still compatible with the existing high density and medium density residential designations to the west. The proposed density reduction will facilitate redevelopment of the site, which is currently infeasible for high densities due to market conditions. Additional housing opportunities in the City, including Below Market Rate units, will still be provided on the site. Legally required environmental review has been conducted.

2. *California Government Code Section 65863 states:*

*(b) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:*

*(1) The reduction is consistent with the adopted general plan, including the housing element.*

*(2) The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. [Findings made]*

The proposed change from high density residential to medium density residential for this site is consistent with the adopted General Plan (as amended) as detailed in the General Plan Goals and Policies below. The proposed reduction in density is consistent with the certified housing element and will not impact the City's ability to meet its Regional Housing Needs Allocation (RHNA) goal. The 2009 Housing and Community Revitalization Sub-element of the General Plan identifies the potential for 5,113 additional

housing units within the City based on current zoning designations, whereas 4,426 units were allocated as the City's share of regional housing needs between 2009 and 2014. The subject site was not included in the estimate of future units; the previously approved development project was included in the discussion of accomplishments related to the 2006 housing element. While the proposed density reduction would reduce the overall potential for new housing units in the City, it would not impact the projections in the Housing and Community Revitalization Sub-element. The remaining sites identified in the housing element are adequate to accommodate the City's share of regional housing needs.

## **General Plan Goals and Policies**

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### **Housing and Community Revitalization Sub-element**

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

The proposed development meets this policy by providing 75% of the maximum permitted R-3 density (132 housing units).

**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.*

The project provides needed housing opportunities within an Industrial-to-Residential conversion area. The reduced density of the revised project reduces the impact of redevelopment on the adjacent single-family neighborhood and helps to preserve neighborhood character.

**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.*

The project provides additional ownership opportunities within a multi-family style of residential development.

**Goal E:** *Maintain and increase housing units affordable to households of all income levels and ages.*

The proposed development provides 115 new market rate units and 17 new Below Market Rate (BMR) units.

## **Land Use and Transportation Element**

**Policy C2.2:** *Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choices.*

The proposed project provides 132 new ownership housing units.

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

The project site is situated between an existing low density single-family residential neighborhood to the north and an Industrial-to-Residential area with R-4 density to the west. The proposed project at R-3 density is compatible with the adjacent residential land uses and the zoning for the area (as amended). The proposed density will reduce potential impacts on the adjacent single-family residential neighborhood compared with the previously approved project. The project's architecture and site design along Duane Court have also been designed to provide a traditional residential streetscape as a transition to the single-family neighborhood. The location of driveways and the required roadway improvements ensure the project will not have a negative impact on surrounding roadways.

## **Community Design Sub-element**

**Policy C.4:** *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

The proposed architecture incorporates high quality design and significantly improves the visual appearance of the site. The architectural styles and finishes provide for a unified design with variation and interest, and will enhance the residential character of the neighborhood.

## **Recommended Findings - Special Development Permit**

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

The project meets the goals and policies of the General Plan, as enumerated in the "Goals and Policies" discussion above, and meets the intent of the Industrial-to-Residential (ITR) Combining District.

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 project provides additional ownership housing opportunity in the City while respecting the character of the single-family residential neighborhood to the north. The proposed architecture meets the City-Wide Design Guidelines. While the project incorporates several deviations from Sunnyvale Municipal Code (SMC) requirements, the requested deviations are minor and are intended to facilitate effective site planning and allow for more creative and high quality architectural design. The existing uses on adjacent properties will not be impacted, interfered with, or otherwise damaged by the proposed use. The previously certified Environmental Impact Report (EIR) for the East Sunnyvale Industrial-to-Residential (ITR) Project identifies potentially significant impacts and includes mitigation measures which will be incorporated into the project to reduce these impacts and avoid conflicts with adjacent industrial and single-family residential uses.

### **Recommended Findings - Tentative Map**

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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 (as amended for this site). However, if any of the following findings can be made, the Tentative Map shall be denied:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

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

The condominium subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, is consistent with the permitted density in the proposed R-3 Zoning District and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
MARCH 29, 2011**

**Planning Application 2010-7738  
1044 East Duane Avenue**

Project Description: Vesting Tentative Map to subdivide a 7.3-acre parcel into 32 common lots and 132 condominiums, and Special Development Permit to allow the development of 132 townhome-style condominium units.

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

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

**GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

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

**GC-2. PERMIT EXPIRATION (ORDINANCE 2895-09):**

The Special Development Permit must be exercised within three (3) years from the date of approval by the final review authority (as

adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one-year extensions, if applied for and approved prior to the expiration of the permit. If the approval is not exercised within this time frame, the permit is null and void. [SDR] [PLANNING]

GC-3. TITLE 25:  
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

GC-4. ENVIRONMENTAL MITIGATION MEASURES:  
The project shall comply with all required mitigation and avoidance measures identified in the previously certified Environmental Impact Report (EIR) for the 2007 East Sunnyvale Industrial-to-Residential (ITR) Project, as well as in the 2011 EIR Addendum. [COA] [PLANNING] **Mitigation Measure**

GC-5. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment, and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-6. BMR UNITS (OWNERSHIP):  
The approved project is subject to the City's Below Market Rate (BMR) requirements and shall comply with the requirements of Sunnyvale Municipal Code 19.66.

The project shall provide at least 12.5% of the total number of dwelling units as Below Market Rate ownership dwelling units in compliance with SMC 19.66 and the Below Market Rate Housing Program Administrative Procedures for Developers. Based on the approved project of 132 total units, 17 BMR units shall be provided.

All BMR dwelling units shall be constructed concurrently with non-BMR units, shall be dispersed throughout the property, shall reflect the range in numbers of bedrooms provided in the total project, and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c)). [SDR] [HOUSING]

GC-7. RECREATION FACILITIES:  
If development of the project is phased, the common recreation facilities shall be installed in connection with the first phase of the

development and included on the building permit plans for the first phase. [COA] [PLANNING]

GC-8. TEMPORARY TRAILERS:

Temporary sales trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development. Plans for temporary trailers shall include the following:

- a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;
- b) Trailer entrances shall be oriented toward the nearest building;
- c) Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]

GC-9. ENCROACHMENT PERMIT:

Obtain an encroachment permit from the Department of Public Works for all off-site improvements. [SDR] [PUBLIC WORKS]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from staff, the Planning Commission, and the City Council including the following:

- a) The proposed composition shingle roofing on the Modern Rowhouse-style buildings shall be replaced with standing seam metal roofing, or an alternative material as approved by the Director of Community Development;
- b) The color schemes shall be modified to brighten some of the tones and reduce repetition between the five color palettes;
- c) The style of Building #5 located at the east end of Duane Court shall be changed from the Modern Rowhouse-style (Scheme B) to the Arts and Crafts-style (Scheme A).
- d) The architectural design of the proposed recreation building shall be submitted for review and approval by the Director of Community Development.
- e) Landscape plans shall demonstrate compliance with the 50% requirement for tree shading of parking lot areas in SMC 19.37.
- f) Decorative paving shall be provided for the pedestrian crossing connecting the Duane Avenue Driveway with the area adjacent to Building #14.
- g) An on-site kiosk or display case shall be located in a common area to provide residents with information on transit and rideshare

opportunities. The kiosk or display case shall include a current VTA transit map, Caltrain station map, and contact information including Web sites and phone numbers for Caltrain, VTA, and other area transit resources. The kiosk or display case shall be a minimum of 34 inches wide to accommodate a VTA map and may be located on a building wall or other feature, or as a free-standing structure, subject to approval by the Director of Community Development. The kiosk or display case shall be provided by the developer and maintained by the homeowners association as a common facility.

- h) Only high-quality materials may be used for building exteriors (e.g. no foam trim, EIFS, etc., unless the materials proposed can be shown to be of a quality, appearance, and longevity equivalent to wood).
- i) All architectural details including awnings, trims, railings, brackets, deep reveals, and other decorative elements shall be retained as integral features of the architecture and shall be incorporated into the building permit plans. [COA] [PLANNING]

PS-2. REVIEW OF FINAL DESIGN:

Final architectural design, site design, exterior building materials, and color schemes are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. BMR SPECIAL PERMIT CONDITION FORM:

The developer shall submit a “BMR Special Permit Condition Form” and a site plan as Exhibit A to the Affordable Housing Manager for review prior to submitting building permit plans. The plan will include a description of the number, type, size and location of each unit on the site. The Affordable Housing Manager will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). [SDR] [HOUSING/BMR Administrative Guidelines]

PS-4. STORMWATER MANAGEMENT PLAN:

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

PS-5. VTA NOTIFICATION:

Notify VTA regarding proposed construction work which may affect adjacent County transit facilities. [COA] [PUBLIC WORKS]

PS-6. ENVIRONMENTAL MITIGATION MEASURES:

Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage (refer to the Mitigation Monitoring and Reporting Program for the 2007 East Sunnyvale ITR Project EIR and the 2011 EIR Addendum). [COA] [PLANNING]  
**Mitigation Measure**

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

BP-1. CONDITIONS OF APPROVAL:

The plans submitted for building permits shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A detailed written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

- BP-5. GREEN BUILDING:  
The building permit plans shall demonstrate the project is designed to achieve a minimum of 70 points on BuildItGreen's GreenPoint Rated Checklist. The GreenPoint Rated Checklist shall be included on plans. [SDR] [PLANNING/BUILDING]
- BP-6. RECYCLING AND SOLID WASTE ENCLOSURES:  
The building permit plans shall include details for the installation of recycling and solid waste enclosures. Plans shall demonstrate that all units are located within 150 feet of a recycling and solid waste enclosure. The required recycling and solid waste enclosures shall:
- a) Match the design, materials, and colors of the main buildings.
  - b) Be of masonry construction. [COA] [PLANNING]
- BP-7. RECYCLING AND SOLID WASTE CONTAINERS:  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-8. SOLID WASTE DISPOSAL PLAN:  
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for multi-family projects. [COA] [PLANNING]
- BP-9. ROOF EQUIPMENT:  
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roofs or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-10. FEES AND BONDS:  
The following fees shall be paid in full prior to issuance of building permit.
- a) PARK DEDICATION IN-LIEU FEE - Pay Park Dedication In-lieu fees estimated at \$2,235,568.90 prior to approval of the Final Map or Parcel Map. The final fee amount shall be calculated based on fee schedules in place at the time of payment (SMC 18.10). [SDR] [PLANNING]
  - b) SENSE OF PLACE FEE – Pay Sense of Place fees for neighborhood pedestrian and streetscape improvements associated with

industrial-to-residential transition. Sense of Place fees are estimated at \$1,071 per dwelling unit and shall be paid prior to issuance of a building permit. The final fee amount shall be calculated based on fee schedules in place at the time of payment. [COA] [PLANNING]

BP-11. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted for review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features, and shall not be roof-mounted or window-mounted. [COA] [PLANNING]

BP-12. BMR DEVELOPMENT AGREEMENT:

The developer shall execute a Development Agreement with the City to establish the BMR unit(s) prior to issuance of Building Permits. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement (BMR Administrative Guidelines).

In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance (SMC 19.66.140).

In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Administrative Guidelines]

BP-13. LANDSCAPE PLAN:

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

- a) All areas not required for parking, driveways, or structures shall be landscaped.

- b) Provide trees at minimum 30-foot intervals along all property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Deciduous trees shall be provided along southern and western building exposures where possible for passive solar heating purposes.
- d) For new tree selection, preference shall be given to California native species, and sizes selected shall be as large as appropriate for the proposed locations. At least ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. 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.
- e) Any City street trees to be removed, replaced, or installed shall be included on the landscape plan.
- f) Provide a 15-foot wide landscaped buffer along the property’s street frontages, except that the width may be reduced in limited locations as per the deviations granted and indicated on the approved project plans.
- g) Ground cover included in the landscape plans shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving shall be provided as required by the Director of Community Development to distinguish entry driveways, pedestrian paths, pedestrian crossings, and common areas.
- i) Provide details for common area furnishing including tables, benches, grills, trash receptacles, etc. Common area furnishings shall be secured to the ground to prevent them from being moved (excepting recycling and solid waste containers located within approved enclosures).
- j) Design of all proposed fencing and walls shall be included in the landscape plans. An enhanced decorative wall design shall be provided facing Lawrence Expressway, and shall include landscaping such as vines along the wall’s exterior.
- k) Patio and landscape walls shall not be higher than three feet.
- l) The project shall be responsible for landscaping the median(s) on East Duane Avenue in the project area. Include proposed median landscaping on landscape plans. [COA] [PLANNING]

**BP-14. CITY STREET TREES (SUBDIVISION):**

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Director of Community Development and the City Arborist. New street

trees shall be 24-inch box size or larger. [SDR] [PLANNING/PUBLIC WORKS]

BP-15. LANDSCAPE MAINTENANCE PLAN:

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

BP-16. LANDSCAPE BUFFER:

Install and maintain a solid decorative masonry wall at least eight feet tall along the rear property lines abutting the adjacent automobile service station site. Wall height shall be measured from the highest adjoining grade. Wall design shall be subject to review and approval by the Director of Community Development prior to issuance of building permits. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. The wall shall not impact the health of existing trees to be retained on the subject site or adjacent property. [SDR] [PLANNING]

BP-17. TREE PROTECTION PLAN:

Prior to issuance of a demolition permit, a grading permit or a building permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An updated inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA). The inventory shall include trees proposed for removal as well as trees to remain.
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) The Director of Community Development shall have discretion over the final list of trees to be removed.
- d) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.

- f) The measures specified in the tree protection plan shall be installed prior to issuance of any building or grading permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-18. TOT LOT:

A children's play area ("tot lot") shall be provided on-site to accommodate recreational needs of small children. This facility shall incorporate active play structures and other amenities on a secured area of at least 1,000 sq. ft. The design and construction details for the "tot lot" shall be subject to review and approval by the Director of Community Development and shall be included on the plans submitted for building permits. [COA] [PLANNING]

BP-19. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/PUBLIC WORKS]

BP-20. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:

Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

BP-21. STORMWATER MEASURES IN USABLE OPEN SPACES:

The preliminary Stormwater Management Plan includes bioretention basins which are located in usable open space areas. The design of bioretention basins including size, depth, layout, design of inlets/drains, and type of vegetation shall be developed to avoid impairing the usability of the areas for recreation. [COA] [PLANNING]

BP-22. BEST MANAGEMENT PRACTICES:

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Covered trash enclosures and/or receptacles.
- d) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to on-site vegetated areas is not a feasible option.
  - ii) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-23. EXTERIOR LIGHTING PLAN:

Prior to issuance of a building permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor or illumination with an equivalent energy savings. Lighting which provides true color representation is preferred.
- b) Pole heights to be uniform and compatible with the area, including adjacent single-family residential areas. Light standards shall be of pedestrian scale and shall not exceed 8 feet in height on the periphery of the project.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Lights shall have shields to prevent glare onto adjacent residential properties.
- f) Lighting plans shall be developed to provide coverage of all parking areas, driveways, and building entrances for safety and security purposes. [COA] [PLANNING]

BP-24. PHOTOMETRIC PLAN:

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

BP-25. LIGHTING SPACING:

Install lights at a minimum of 50 feet intervals along all private streets. Final light spacing shall be subject to approval by the Director of Community Development with review of the exterior lighting plan and photometric plan. [COA] [PLANNING]

BP-26. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

A Parking Management Plan is required subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) All uncovered spaces shall be reserved as guest and unassigned residential parking spaces and shall remain unassigned.
- b) A clear definition of “guest” as proposed by the property manager/homeowner’s association.
- c) The property manager/homeowner’s association shall specify that at least 25% and up to 75% of unassigned spaces be reserved for guest use.
- d) Clearly indicate that the property manager/homeowner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- e) Residents shall use their assigned parking spaces prior to using unassigned parking spaces.
- f) Prohibit residents from parking RV’s, trailers, or boats on the property.
- g) Notify potential residents of the number of parking spaces provided for each unit on-site as per the approved plans. [COA] [PLANNING]

BP-27. COMPACT SPACES:

Specify compact parking spaces on the building permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

BP-28. BICYCLE SPACES:

Provide a minimum of 33 Class II bicycle parking spaces or as approved by the Director of Community Development. Bicycle parking shall be dispersed in several common areas throughout the site and shown on the plans submitted for building permits. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING]

BP-29. SOLAR ASSISTED HOT WATER:

Solar-assisted hot water shall be provided for any proposed swimming pools or spas and shall provide 70% of hot water needs for summer months. [SDR] [PLANNING]

- BP-30. RECREATION BUILDING HOT WATER:  
Recreation building water heaters shall be tankless heaters. [COA]  
[PLANNING]
- BP-31. WATER METERS:  
Separate metering shall be provided for domestic and irrigation water systems. [SDR] [PLANNING]
- BP-32. UNDERGROUND UTILITIES:  
All proposed utilities shall be undergrounded. [SDR]  
[PLANNING/PUBLIC WORKS]
- BP-33. FIRE PROTECTION:  
Plans shall demonstrate compliance with the fire protection requirements in place at the time of building permit submittal as provided in Sunnyvale Municipal Code chapters 16.52, 16.53 and 16.54; California Fire Code; and Title 19 California Code of Regulations. The following details shall be included:
- a) The water supply for fire protection and firefighting shall be approved by the Department of Public Safety (508 CFC).
  - b) A fully automatic fire sprinkler system is required. The fire sprinkler system shall be in accordance with NFPA 13, and CFC (16.52.270 SMC & Section 903 CFC).
  - c) A fire alarm system is required for buildings meeting the requirements under Section 907.2.9 CFC.
  - d) Install approved smoke detectors in accordance with the Sunnyvale Municipal Code (SMC 16.52.280).
  - e) Fire hydrants are required every 300 feet. On-site fire hydrants are required along the fire access road. Building permit plans shall provide locations of existing City fire hydrants and any proposed on-site hydrants (508 CFC).
  - f) Provide the required number of approved fire extinguishers (minimum size of 2A10BC) (CCR Title 19: 568).
  - g) Fire access roads are required per the Sunnyvale Municipal Code and the published requirements for Fire Department Vehicle Access. Building permit plans shall demonstrate compliance with the approved Alternate Means agreement for fire access roads.
  - h) Trash enclosures within 5 feet of building exterior walls or overhangs require fire sprinkler protection (304.3.3 CFC, 16.52.270 SMC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

- BP-34. FIRE PROTECTION PLAN:  
Provide a written construction Fire Protection Plan (Section 1408 CFC) (Refer to Unidocs.org, Fire Prevention documents). [COA] [PUBLIC SAFETY-FIRE PREVENTION]
- BP-35. GROUNDWATER AND SOIL CONTAMINATION:  
Provide a written clearance from the California Regional Water Quality Board addressing groundwater and soil contamination identified in the 2007 East Sunnyvale ITR Project EIR. [COA] [PLANNING]  
**Mitigation Measure**
- BP-36. ENVIRONMENTAL MITIGATION MEASURES:  
Prior to issuance of building permits, grading permits, demolition permits, or encroachment permits, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage (refer to the Mitigation Monitoring and Reporting Program for the 2007 East Sunnyvale ITR Project EIR and the 2011 EIR Addendum). [COA] [PLANNING]  
**Mitigation Measure**

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

- EP-1: CURB, GUTTER, AND SIDEWALK:  
Remove and replace all uplifted and damaged curb, gutter, and sidewalk along the project frontages on East Duane Avenue and East Duane Court. The City Arborist and Department of Public Works shall determine whether the new sidewalks shall be detached walks with a 5-foot parkstrip or attached/monolithic sidewalks, with the intent to save as many existing trees as possible. Sidewalks along East Duane Avenue shall be a minimum of eight feet wide; sidewalks along Duane Court shall be a minimum of six feet wide. A continuous root barrier shall be provided along new sidewalks per City specifications. [COA] [PUBLIC WORKS]
- EP-2: FIRE HYDRANTS:  
Installation of new and/or upgraded fire hydrants is required along the entire project frontage. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

- EP-3: CURB RAMPS:  
Construct ADA-compliant curb ramps at all street corners/intersections along the project frontage per City standards. [COA] [PUBLIC WORKS]
- EP-4: WET UTILITIES:  
All wet utilities (water, sanitary sewer, storm drain) in private streets and private drives shall be privately maintained. For water lines, install master water meter(s) in the public right-of-way. For each master water meter installation, a double check detector assembly is required. For private sanitary sewer and storm, install a manhole or cleanout at the right-of-way line. Install a separate irrigation meter with a backflow prevention device. [COA] [PUBLIC WORKS]
- EP-5: UTILITY PROVIDERS:  
Contact the utility companies for their review/approval requirements and/or procedures for site development and existing easement vacation/removal. [COA] [PUBLIC WORKS]
- EP-6: DEVELOPMENT FEES:  
Pay all applicable Public Works development fees associated with the project, including but not limited to utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to first map recordation. [SDR] [PUBLIC WORKS]
- EP-7: COMPLIANCE WITH STANDARD REQUIREMENTS:  
This project shall comply with all standard Public Works/Engineering conditions and requirements (available upon request). [SDR] [PUBLIC WORKS]
- EP-7: SUBDIVISION AGREEMENT:  
Execute a Subdivision Agreement and provide improvement securities and/or cash deposits as outlined in the Subdivision Agreement prior to map recordation or encroachment permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

**TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.**

- TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):  
Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of

Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #2010-7738, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- e) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following provisions:
  - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
  - ii) The owners association shall maintain and keep up-to-date transit information and rideshare information for display in an on-site kiosk or display case. The display shall include a current VTA transit map, Caltrain station map, and contact information including Web sites and phone numbers for Caltrain, VTA, and other area transit resources such as [www.511.org](http://www.511.org).
  - iii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted by the Public Works Department.
- g) The CC&Rs shall contain the following language:
  - i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property

value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.

- iv) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- v) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- vi) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- vii) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- viii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from,

or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-2. HOA CREATION:

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

TM-3. HOA TRANSFER:

At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]

TM-4. STREET NAMING:

The private streets located on the project common lots shall be assigned street names in accordance with the official Street Name System, as selected by the Community Development Department. [COA] [PLANNING]

TM-5. UTILITY EASEMENTS:

Dedicate public utility easements on-site as required by utility providers. [COA] [PUBLIC WORKS]

TM-6. EMERGENCY ACCESS EASEMENTS:

Dedicate emergency vehicle ingress-egress easements on-site as required by the Department of Public Safety. [COA] [PUBLIC WORKS/PUBLIC SAFETY]

TM-7. SUBDIVISION AGREEMENT:

Execute a Subdivision Agreement and provide improvement securities and/or cash deposits as outlined in the Subdivision Agreement prior to map recordation or encroachment permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

- TM-8. DEVELOPMENT FEES:  
If multiple maps are desired, development fees associated with the entire project shall be paid prior to recordation of the first final map. Improvement securities shall be provided for the entire project prior to recordation of the first final map. [COA] [PUBLIC WORKS]
- TM-9. COMPLIANCE WITH SUBDIVISION REQUIREMENTS:  
Comply with all applicable Sunnyvale Municipal Code requirements as outlined in Title 18: Subdivisions. [SDR] [PUBLIC WORKS]
- TM-10. ROADWAY IMPROVEMENTS (DUANE COURT INTERSECTION AND MEDIAN):  
The existing median island and the intersection of East Duane Avenue and Duane Court shall be reconfigured by squaring up the intersection geometry, subject to final review and approval by the Director of Public Works. [COA] [PUBLIC WORKS]
- TM-11. ROADWAY IMPROVEMENTS (DUANE AVENUE MEDIANS):  
Remove the existing chatter bar median near the existing driveway on East Duane Avenue and replace it with a new striped median. Construct a new median island near the new driveway on East Duane Avenue to prevent left turns into or out of the driveway. Median locations and details shall be subject to final review and approval by the Director of Public Works. [COA] [PUBLIC WORKS]
- TM-12. DRIVEWAY IMPROVEMENTS:  
Remove all existing driveways on the East Duane Avenue and Duane Court frontages and replace them with new curb, gutter, and sidewalk in accordance with City standards. [COA] [PUBLIC WORKS]
- TM-13. STREETLIGHTS:  
Remove/replace/upgrade/install to City standards all streetlights, conduits, and conductors along the entire project frontage as approved by the Director of Public Works. Installation of new streetlights is required along project frontage public streets. Replace all existing Octo-flute streetlights with new Marblelite streetlights along the project frontages. Add new streetlights and/or relocate existing streetlights where necessary along project frontages to meet current City specification section 209-2.9 including requirements of one or more new streetlight service points to be approved during the plan check process. [COA] [PUBLIC WORKS]

- TM-14. SIGNAL IMPROVEMENTS:  
The existing traffic signal facilities at the northeast corner of San Xavier Drive and East Duane Avenue shall be relocated and/or replaced as needed for ADA compliance. [COA] [PUBLIC WORKS]
- TM-15. INTERCONNECT CONDUIT:  
Install a new interconnect conduit from the northeast corner to the southeast corner of the intersection of San Xavier Drive and East Duane Avenue and tie into the existing pull box. Pull the new interconnect cable to Lawrence Expressway and East Duane Avenue. [COA] [PUBLIC WORKS]
- TM-16. CURB RAMPS:  
Remove and replace existing curb ramps along the project frontages with new curb ramps in accordance with City standards. [COA] [PUBLIC WORKS]
- TM-17. SIGNAL MAINTENANCE PAD:  
Provide a driveway approach and parking pad behind the sidewalk for maintenance vehicles to facilitate maintenance of the traffic signal at the northeast corner of San Xavier Drive and East Duane Avenue. [COA] [PUBLIC WORKS]
- TM-18. TRANSPORTATION IMPROVEMENT FEES:  
The developer shall pay a pro rata share of the cost of the transportation mitigations and improvements as identified in the 2007 East Sunnyvale ITR Project EIR traffic study recommendation pertaining to this development. [COA] [PUBLIC WORKS] **Mitigation Measure**
- TM-19. STREET PARKING PROHIBITED:  
Install “No Parking Anytime” signs along the bulb end of the Duane Court cul-de-sac to prohibit on-street parking. [COA] [PUBLIC WORKS]
- TM-20. STREET AND UTILITY MAINTENANCE:  
All internal private streets and drives, and all on-site wet utilities (water, sanitary sewer, storm drain) are to be privately owned and privately maintained. [SDR] [PUBLIC WORKS]
- TM-21. SANITARY SEWER:  
This project is required to comply with the recommended point of discharge on Duane Court for the sanitary sewer system. A project-

level sanitary sewer analysis is required during the plan check process to confirm that the project discharge does not exceed the conditions studied in the 2007 East Sunnyvale ITR Project EIR. Any changes to or deficiencies in the existing system in the immediate vicinity of the project will need to be addressed at the expense of the developer. [COA] [PUBLIC WORKS]

TM-22. DOMESTIC AND FIRE FLOW WATER:

According to the East Sunnyvale ITR Project EIR and related analyses, the existing domestic water system in this area of the City is adequately sized and has adequate pressure to meet the increased fire and domestic demand from this development. This is to be confirmed by preparation of a domestic and fire flow water analysis for this development. Any changes to or deficiencies in the existing water system in the immediate vicinity of the project will need to be addressed at the expense of the developer. A master (City water) meter or meters to the property will be required in addition to private meters for each unit. [COA] [PUBLIC WORKS]

TM-23. STORM DRAINS:

The project is required to follow the existing storm drain tributary pattern. Any changes or deviations would require additional analysis and be subject to approval by the Director of Public Works during the plan check process. [SDR] [PUBLIC WORKS]

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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:

All parking lot striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/ENGINEERING]

PF-3. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community

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

PF-4. HOA ESTABLISHMENT:

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

PF-5. ENVIRONMENTAL MITIGATION MEASURES:

Prior to release of occupancy or utilities, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage (refer to the Mitigation Monitoring and Reporting Program for the 2007 East Sunnyvale ITR Project EIR and the 2011 EIR Addendum). This shall include furnishing results of acoustical tests demonstrating the finished units achieve the required interior noise standards, as well as any other studies or analyses required to demonstrate all mitigation measures have been satisfied. [COA] [PLANNING] **Mitigation Measure**

PF-6. BMR COMPLETION 60 ADVANCE DAY NOTICE:

The Developer/Owner shall notify the Affordable Housing Manager of the BMR unit(s) to be available sixty days (60) prior to the request for occupancy. The developer shall also coordinate a site inspection with the Affordable Housing Manager to verify that the constructed BMR units are in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-7. PUBLIC STREET REPAIR:

Any changes to or deficiencies in the adjacent public streets as a result of project construction are to be rectified at the expense of the developer. [COA] [PUBLIC WORKS]

PF-8. COMPLETION OF PUBLIC IMPROVEMENTS:

Complete all required public improvements including but not limited to sidewalks, roadway improvements, streetlights, and signals prior to occupancy. [COA] [PUBLIC WORKS]

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

DC-1. FIRE ACCESS:

Prior to any combustible construction or materials on-site, provide fire access drives and operational on-site fire protection systems if applicable (Chapter 14 CFC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

DC-2. BLUEPRINT FOR A CLEAN BAY:

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

DC-3. TREE PROTECTION:

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

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

AT-1. RECYCLING AND SOLID WASTE:

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

AT-2. LOUDSPEAKERS PROHIBITED:

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

AT-3. EXTERIOR EQUIPMENT:

Exterior equipment shall be maintained within approved enclosure areas. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:

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

- AT -5. STORMWATER MEASURES IN USABLE OPEN SPACES:  
Any bioretention basins which are located within usable open space areas shall be maintained to ensure the stormwater treatment measures do not impair usability of the area. [COA] [PLANNING]
- AT-5. PARKING MANAGEMENT:  
On-site parking management shall conform to the approved parking management plan. [COA] [PLANNING]
- AT-6. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Garage spaces shall be maintained at all times so as to allow for parking of vehicles.
  - b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the building permit plans and completed prior to occupancy.
  - c) Maintain all parking lot striping and marking.
  - d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and guests. [COA] [PLANNING]
- AT-7. UNENCLOSED STORAGE PROHIBITED:  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-8. VEHICLE SALES, LEASING, AND RENTAL PROHIBITED:  
The sales, leasing, or rental of vehicles or trailers are prohibited on the subject property. [COA] [PLANNING]
- AT-9. OFF-STREET PARKING:  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-10. RECREATIONAL VEHICLE STORAGE PROHIBITED:  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels, and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-11. HOA REVIEW AND APPROVAL:  
In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association,

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

AT-12. HOA RESPONSIBILITIES:

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

AT-13. STREET AND UTILITY MAINTENANCE:

The project applicant, owner, landlord, or homeowners association must properly maintain all internal private streets and drives and all wet utilities (water, sanitary sewer, storm drain) on the site. [SDR] [PUBLIC WORKS]

AT-14. BMP MAINTENANCE:

The project applicant, owner, landlord, or homeowners association must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-15. BMP RIGHT OF ENTRY:

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

AT-16. FIRE DEPARTMENT ACCESS:

A Knox system (key switch) shall be provided and maintained for all locked gates in accordance with Fire Prevention requirements. [COA] [PUBLIC SAFETY-FIRE PREVENTION]



**CITY OF SUNNYVALE  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION**

**Addendum to the Program-Level and Project-Specific Environmental Impact Report for the 2007 East Sunnyvale Industrial-to-Residential (ITR) Project (SCH #2006102138), certified by the Sunnyvale City Council on February 27, 2007, by Resolution number 275-07.**

- 1. Project Title:** Application for a General Plan Amendment, Rezone, Special Development Permit, and Vesting Tentative Map by Taylor Morrison CA LLC
- 2. Project Number:** 2010-7456 and 2010-7738
- 3. Lead Agency Name and Address:** City of Sunnyvale  
Community Development Department  
Planning Division
- 4. Contact Person and Phone Number:** Mariya Hodge, Project Planner  
408-730-7659
- 5. Project Location:** 1044 East Duane Avenue, Sunnyvale, CA
- 6. Project Sponsor's Name and Address:** Taylor Morrison CA LLC  
1180 Iron Point Road, Suite 100  
Folsom, CA 95630

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**1.0 INTRODUCTION**

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In 2007 the City of Sunnyvale studied the potential to convert an approximately 130-acre industrial area to residential uses. Specific development proposals were also considered concurrently for two sites within the study area. The environmental effects of the proposed General Plan Amendment, Rezone, and site developments were analyzed in the East Sunnyvale Industrial-to-Residential (ITR) Project Environmental Impact Report (EIR). This EIR was prepared at a program-level with project-specific information for limited sites. On February 27, 2007, the City Council certified the EIR and approved a General Plan Amendment and Rezone to convert approximately 75 acres of the 130-acre study area to a mix of medium density residential, high density residential, and commercial uses (Resolution No 275-07).

On May 22, 2007, the City Council approved a site-specific development proposal (Special Development Permit #2006-0610) for a 7.3-acre site located at 1044 East Duane Avenue pursuant to the previously-certified EIR. The approved project included 12 three-story townhouse-style buildings (68 Units) along with a five-story podium-style condominium building (236 units) for a total of 304 new residential units. To date, the approved development has not been constructed.

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## **2.0 SUMMARY**

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A General Plan Amendment and Rezone have been filed for the site located at 1044 East Duane Avenue to reduce the permitted density from high-density residential to medium-density residential. A Special Development Permit and Vesting Tentative Map have also been filed to modify the previously-approved entitlements. The proposed changes would not constitute a substantial change to the project description for the East Sunnyvale ITR Project, and would not result in new significant impacts nor substantially increase the severity of previously-identified significant impacts under the 2007 East Sunnyvale ITR Project EIR. This Addendum to the 2007 EIR was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines section 15164 to address a change in CEQA requirements since the certification of the EIR. Specifically, this Addendum is needed to analyze project impacts related to greenhouse gases (GHG). Analysis of GHG impacts was not a requirement under CEQA in 2007, but is now a required component of environmental review. The GHG analysis performed for the proposed revised project did not reveal any new significant impacts or substantial increases in the severity of impacts previously identified in the 2007 EIR.

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## **3.0 PROJECT DESCRIPTION**

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The current proposal for the property located at 1044 East Duane Avenue eliminates the five-story podium building and replaces it with additional townhouse-style buildings. The resulting project would include 26 three-story buildings for a total of 132 new residential units. The project would also include a one-story common recreation building located near the center of the site.

The overall site plan including building locations, landscaping, recreation, and on-site circulation has been reconfigured. The covered parking previously proposed as part of the podium building has been eliminated and replaced with individual two-car garages for each unit. Additional uncovered surface parking is proposed for guests. The site's approved driveway locations will be retained and therefore there are no proposed changes to off-site circulation.

The floor plans of the proposed townhome-style units have been modified, but average unit sizes are similar to the townhome units in the previously-approved project. The project architecture has been modified.

The proposed revised density for the site is inconsistent with the current General Plan Designation and Zoning Designation calling for high density residential. As a result, Taylor Morrison requests approval of a General Plan Amendment and Rezone to designate the site for medium density residential development. A Special Development Permit (SDP) and Vesting Tentative Map (VTM) are also requested for the proposed changes to the entitlements and subdivision map.

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#### **4.0 Background**

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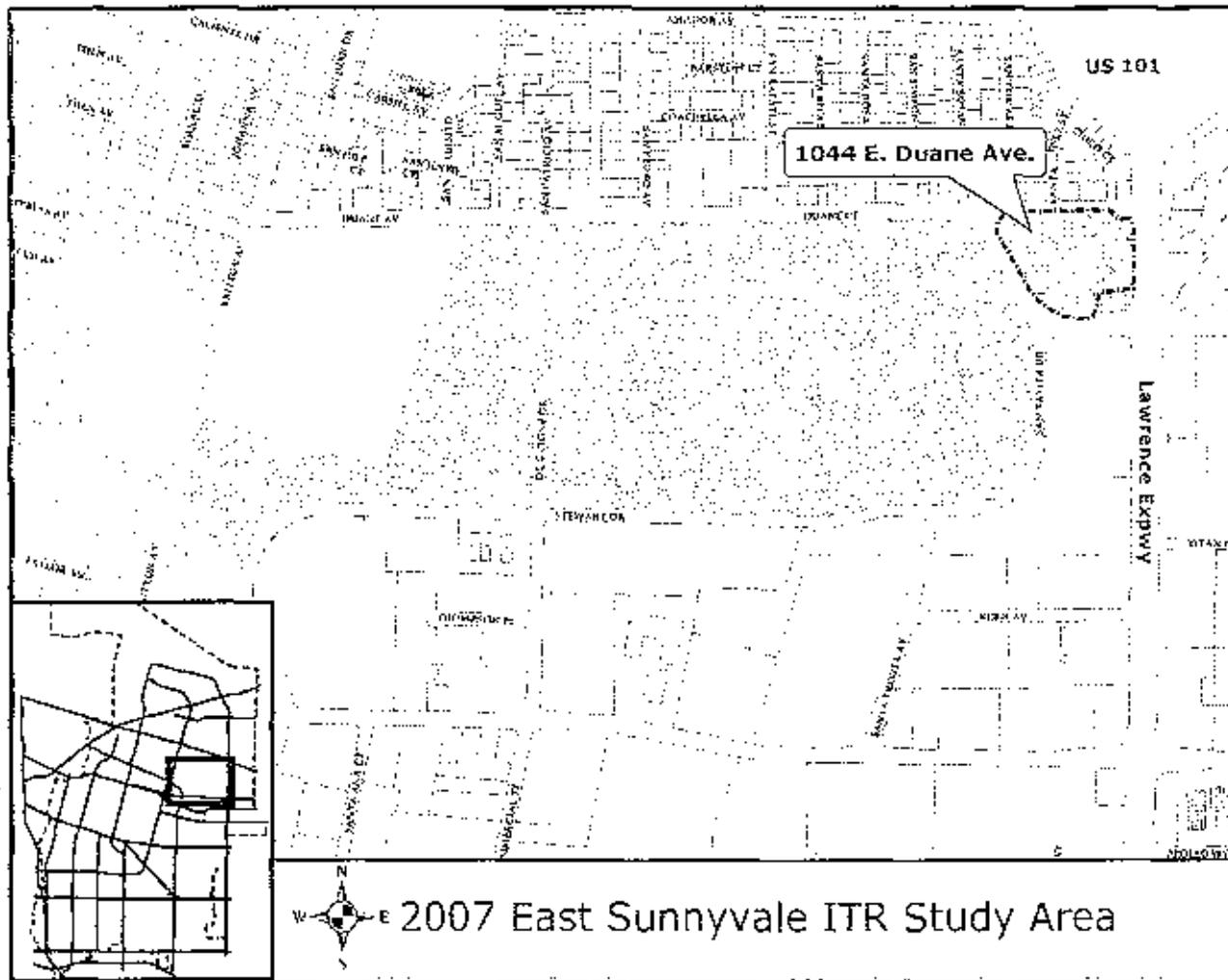
The proposed project would result in redevelopment of the 7.3-acre property located at 1044 East Duane Avenue, at the corner of East Duane Avenue and Duane Court along Lawrence Expressway. The site was previously developed with five industrial office buildings. The project site is located within the boundaries of the East Sunnyvale Industrial-to-Residential (ITR) Area. In 2007, the City of Sunnyvale studied the potential to convert an approximately 130-acre industrial area to residential uses (see Figure 4.1). On February 27, 2007, the City Council approved a General Plan Amendment and Rezone to convert approximately 75 acres of land previously zoned for industrial uses to a mix of medium density residential, high density residential, and commercial uses. The subject site at 1044 East Duane Avenue was included in the approved ITR area and was designated for high density residential development. On May 22, 2007, the City Council approved a site-specific development proposal (Special Development Permit 2006-0610) for the subject site. The approved project included 304 new residential units. To date, the approved development has not been constructed.

The City Council's 2007 actions to change the General Plan and Zoning and approve the development proposal for 1044 East Duane Avenue were covered by an EIR certified by the City Council on February 27, 2007 (Resolution No 275-07) (State Clearinghouse #2006102138). The EIR was prepared as a program-level EIR which included project-specific analysis for limited sites. While specific impacts of two proposed development projects were discussed in detail, the overall effects of buildout of the proposed ITR area were also discussed in terms of the cumulative impacts of future development. The Final EIR includes mitigation measures to address the potentially significant impacts identified in the EIR analysis, and these mitigation measures apply to all future development projects within the East Sunnyvale ITR Area. In addition, the EIR analysis concluded that significant and unavoidable impacts to regional air quality and cumulative regional air quality would result from buildout of the ITR area. This includes PM<sub>10</sub> and Ozone as regional pollutants for which the area is in a nonattainment status region. The City Council made Findings for a Statement of Overriding Social/Economic Considerations as required by CEQA at the time of EIR certification and project approval.

The 2007 EIR did not address the expected greenhouse gas (GHG) emissions for buildout of the ITR area, nor for the specific development proposal on the subject site, because analysis of GHG impacts was not a requirement under CEQA at that

time. The 2009 CEQA Guideline Amendments encourage lead agencies to describe, calculate, or estimate the amount of GHG emissions resulting from a project and to assess the significance of impacts from GHG emissions on the environment.

**Figure 4.1: East Sunnyvale ITR Study Area and Subject Site**



## 5.0 COMPLIANCE WITH CEQA

The California Environmental Quality Act (CEQA) provides an opportunity to streamline subsequent project environmental reviews following the certification of a Final EIR. The subsequent environmental reviews may include project additions, corrections, and/or changes through a variety of document types, dependent on the degree of change proposed by the subsequent project and the potential for new or more severe effects on the environment. CEQA Guidelines section 15162 states that when a Final EIR has been certified, no subsequent EIR shall be prepared for that

project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following has occurred:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance related to significant impacts, severity of significant impacts, or mitigation measures; which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.

None of the above situations can be attributed to the proposed project. The proposed revised project including the requested General Plan Amendment, Rezone, and modified entitlements does not have the potential to result in new significant environmental effects, nor to substantially increase the severity of previously identified environmental effects. The proposed project involves a reduction in density compared to the previously-approved project, and impacts resulting from the current proposal are expected to be equal to or less than the previously-identified impacts. There are no substantial changes to the circumstances under which the project is undertaken; there have been no changes in the environmental conditions in the project vicinity not contemplated and analyzed in the 2007 EIR which would result in new or substantially more severe environmental impacts. Finally, there is no new information of substantial importance related to significant impacts.

#### **5.1 Addendum to Previously Certified EIR**

CEQA Guidelines section 15164 permits preparation of an Addendum when some changes or additions are necessary but none of the above conditions requiring a subsequent EIR have occurred. The current proposal does not increase development intensity beyond the level studied by the 2007 East Sunnyvale ITR Project EIR; in fact, proposed development intensity has decreased. The project revisions analyzed by the Addendum will result in neither new significant environmental effects, substantial increase in severity of previously identified significant effects, nor new circumstances under which the project is undertaken. There is no substantial evidence which would modify the Findings made under the previously certified EIR and the adopted Statement of Overriding Considerations. The significant and unavoidable impacts related to regional air quality and cumulative regional air quality are expected to be unaffected by the proposed revisions. PM<sub>10</sub> and Ozone are still deemed regional air pollutants for which the region has a nonattainment status.

Given the significantly reduced density of the proposed revised project, there is no potential for these or other previously identified impacts to be increased by the project revisions. The greenhouse gas impacts analyzed in this Addendum fall below the established thresholds of significance as discussed in detail below; therefore they do not rise to the level of a new significant impact.

### **5.2 Scope of the Addendum**

This Addendum is limited to an analysis of the project's greenhouse gas (GHG) emissions. The 2009 CEQA Guideline Amendments encourage lead agencies to estimate the amount of GHG emissions resulting from a project and to assess the significance of environmental impacts related to GHG emissions. At the time the East Sunnyvale ITR Project EIR was certified in 2007, CEQA did not require analysis of a project's GHG impacts.

The proposed changes to the General Plan and Zoning, and the proposed Special Development Permit and Vesting Tentative Map, are discretionary actions which may or may not be approved pending public testimony and the deliberations of the City Council.

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## **6.0 PROJECT IMPACT ANALYSIS**

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### **6.1 Greenhouse Gas (GHG) Analysis**

An analysis of greenhouse gas (GHG) emissions was performed for the proposed project and is attached as Appendix A. This analysis examines the expected GHG emissions with respect to both construction activities and operations. The analysis also compares the expected GHG emissions from the currently proposed project to both the existing environmental setting (a vacant site) and the previously-approved high density residential project. The methods and conclusion of the analysis are summarized below.

GHG emissions associated with the project were estimated for the GHGs which the California Air Resources Board finds are generated from indirect sources, such as carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), and methane (CH<sub>4</sub>). URBEMIS 2007 was used to estimate the project's CO<sub>2</sub> emissions from construction, area source (energy use), and mobile sources. N<sub>2</sub>O and CH<sub>4</sub> emissions resulting from project construction were analyzed using the California Climate Action Registry General Reporting Protocol Version 3.1 (January, 2009). N<sub>2</sub>O and CH<sub>4</sub> emissions resulting from area and mobile sources were analyzed using the Bay Area Air Quality Management District's (BAAQMD) Greenhouse Gas Model (BGM).

The CEQA Guidelines include the following two questions to be analyzed in all CEQA documents:

- A) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? and,

- B) Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

The attached GHG analysis indicates that implementation of the revised project would contribute to increases in GHG emissions which are associated with global climate change. However, the expected GHG emissions would not rise to the level of a significant impact, and would represent a reduction in expected GHG emissions compared with the previously-approved project.

#### Construction-related emissions

There is no threshold of significance established for construction-related GHG impacts. Instead, the lead agency is encouraged to quantify and disclose expected construction-related impacts, and the BAAQMD recommends all construction projects incorporate best management practices to minimize these impacts. As a result, the construction-related GHG emissions for the proposed project would not result in a significant impact. Based on the modeling conducted, the proposed revised project would result in 1,919.21 fewer pounds per day of construction-generated carbon dioxide equivalent (CO<sub>2e</sub>) in 2011 and 2,038.37 fewer pounds per day of CO<sub>2e</sub> in 2012 as compared with the previously-approved project. Construction-generated emissions are temporary and short-term in nature. However, the project applicant will be required to minimize these impacts to the extent feasible by implementing the best management practices recommended by the BAAQMD (Appendix A, p.3) or alternative measures approved by the City of Sunnyvale.

#### Operational emissions

The BAAQMD threshold of significance for operational GHG emissions is 1,100 metric tons (MT) per year of CO<sub>2e</sub>. The modified project would generate a maximum of approximately 879 MT/year of CO<sub>2e</sub>. As a result, the operational GHG emissions for the proposed project would not result in a significant impact. Furthermore, the revised project would represent a reduction of approximately 1,093 MT/year of CO<sub>2e</sub> as compared with the previously-approved project.

The attached analysis demonstrates that the proposed project revisions would not cause a new significant impact from GHG emissions requiring major revisions to the previously-certified EIR.

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## **7.0 SUMMARY OF IMPACTS**

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The proposed revised project for 1044 East Duane Avenue does not have the potential to result in new significant environmental effects, nor to substantially increase the severity of previously identified environmental effects. The intensity of development and the level of resulting impacts would in fact be less than the maximum potential intensity analyzed in the 2007 East Sunnyvale ITR Project EIR.

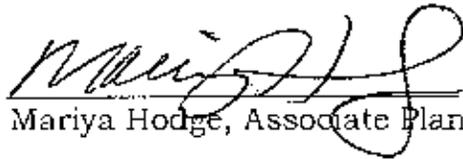
EAST SUNNYVALE ITR PROJECT  
City of Sunnyvale  
February 7, 2011

The proposed revised project does not represent a substantial change to the project description for the East Sunnyvale ITR Project EIR. In addition, the environmental setting of the EIR has not changed since the EIR's certification and no new information has been presented that would affect the determination of an environmental effect as significant, or increase the severity of a known environmental effect. This Addendum has been prepared for the purpose of incorporating additional analysis related greenhouse gas (GHG) emissions, an environmental review component not required in 2007. The GHG analysis performed for the proposed revised project demonstrates there is no potential for new significant impacts related to GHG emissions. Best management practices will be incorporated into the project to reduce construction-related GHG emissions to the extent feasible.

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Prepared by:

Lead Agency: City of Sunnyvale



Mariya Hodge, Associate Planner

Date: February 7, 2011

Appendix A - 1044 East Duane Avenue Greenhouse Gas Analysis

**CITY OF SUNNYVALE**  
**1044 EAST DUANE AVENUE**  
**GREENHOUSE GAS TECHNICAL REPORT**

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*Prepared by:*

**PMC<sup>®</sup>**

2729 PROSPECT PARK DRIVE  
RANCHO CORDOVA, CA 95670

**FEBRUARY 2011**

## INTRODUCTION

On May 22, 2007 the Sunnyvale City Council approved Special Development Permit 2006-0610 authorizing development of 304 condominium units on the approximately 7-acre 1044 East Duane Avenue site. This project included the construction of twelve 3-story townhouse style buildings (68 units) along with a five-story podium style condominium building (236 units). In early 2009, the project applicant determined the historic changes in the housing market had rendered the project financially infeasible as approved due to the high cost of construction of podium style buildings and the relatively low sales prices associated with mid-rise condominium units (e.g. the cost to build the building is greater than the value of the units). Given the new market, the project applicant determined that a re-examination of the site was warranted. As a result, the previously entitled project has been modified to eliminate the large five-story podium building and replace it with more townhouse style units.

For the purposes of evaluating the proposed project's greenhouse gas impacts, emissions resulting from implementation of the previously approved site plan for 1044 East Duane Avenue as well as the revised project (proposed project) will be quantified. The quantified emissions of the proposed project will then be compared with the projected emission of the previously entitled site plan as well as the Bay Area Air Quality Management District's (BAAQMD) greenhouse gas (GHG) significance threshold.

The BAAQMD does not have an adopted *Threshold of Significance* for construction-related GHG emissions. However, quantification and disclosure of construction-generated GHG emissions that would occur during construction is recommended. For GHGs resulting from operations of land use development projects, the BAAQMD *Threshold of Significance* is either compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/year) of carbon dioxide equivalent (CO<sub>2</sub>e); or 4.6 MT CO<sub>2</sub>e/Service Population/year (residents + employees). Land use development projects include residential, commercial, industrial, and public land uses and facilities. For the purposes of this analysis, the 1,100 MT/year of CO<sub>2</sub>e is the chosen threshold of significance as the City of Sunnyvale has not yet adopted a GHG reduction strategy and the proposed project consists of residential land uses only.

## METHODOLOGY

GHG emissions associated with the project were estimated for the GHGs that the California Air Resources Board finds are generated from indirect sources like the proposed project, such as carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), and methane (CH<sub>4</sub>). Calculations of GHG emissions typically focus on CO<sub>2</sub> because it is the most commonly produced GHG in terms of number of sources and volume generated, and because it is among the easiest GHGs to measure. This analysis augments the state of the practice by assessing N<sub>2</sub>O and CH<sub>4</sub> emissions for other primary source categories of emissions (e.g., motor vehicles and energy use associated with long-term operation of the project). It is important to note that while other GHGs, such as hydrofluorocarbons (HFCs), have a higher global warming potential than CO<sub>2</sub>, they emit negligible emissions from land use developments like the proposed project under typical operations.

**1044 EAST DUANE AVENUE GREENHOUSE GAS ANALYSIS**

EIR Addendum - Appendix A

URBEMIS 2007<sup>1</sup> was utilized to estimate the project's CO<sub>2</sub> emissions from construction, area source (energy use), and mobile sources. N<sub>2</sub>O and CH<sub>4</sub> emissions resulting from project construction were analyzed using the California Climate Action Registry General Reporting Protocol Version 3.1 (January, 2009). The General Reporting Protocol, produced by the California Registry and developed with the recommendations and technical and policy guidance from the California Energy Commission, is a document designed to support the accurate reporting of GHG emissions in a quantifiable manner. N<sub>2</sub>O and CH<sub>4</sub> emissions resulting from area and mobile sources were analyzed using the BAAQMD's Greenhouse Gas Model (BGM). BAAQMD developed this model to not only calculate N<sub>2</sub>O and CH<sub>4</sub> emissions from operational sources, but also to calculate GHG emissions not included in URBEMIS such as indirect emissions from electricity use and waste and direct fugitive emissions of refrigerants. The BGM also adjusts for state regulations not included in URBEMIS, specifically California's low carbon fuel rules and Pavley regulations.

**Construction Emissions**

The BAAQMD does not have an adopted *Threshold of Significance* for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction. **Table 1** illustrates a comparison of the construction-related GHG emissions that would result from each construction phase of the proposed project as well as the previously approved project. As can be determined by **Table 1**, the proposed project would result in 1,919.21 fewer pounds per day of construction-generated CO<sub>2</sub>e in 2011 and 2,038.37 fewer pounds per day of CO<sub>2</sub>e in 2012 as compared with the previously approved project.

**Table 1  
 Proposed Project  
 Construction-Related Criteria Pollutant and Precursor Emissions  
 (Pounds per Day)**

| Phase                              | Carbon Dioxide (CO <sub>2</sub> ) | Methane (CH <sub>4</sub> ) | Nitrous Oxide (N <sub>2</sub> O) | Hydrofluoro-carbons (HFCs) | Perfluoro-carbons (PFCs) | Sulfur Hexafluoride (SF <sub>6</sub> ) | CO <sub>2</sub> e |
|------------------------------------|-----------------------------------|----------------------------|----------------------------------|----------------------------|--------------------------|--|-------------------|
| <b>Proposed Project</b>            |                                   |                            |                                  |                            |                          |  |                   |
| 2011                               | 6,972.43                          | 0.39                       | 0.17                             | Negl.                      | Negl.                    | Negl.                                  | 7,033.32          |
| 2012                               | 3,171.85                          | 0.18                       | 0.08                             | Negl.                      | Negl.                    | Negl.                                  | 3,200.43          |
| <b>Previously Approved Project</b> |                                   |                            |                                  |                            |                          |  |                   |
| 2011                               | 8,873.83                          | 0.50                       | 0.22                             | Negl.                      | Negl.                    | Negl.                                  | 8,952.53          |
| 2012                               | 5,192.41                          | 0.29                       | 0.13                             | Negl.                      | Negl.                    | Negl.                                  | 5,238.80          |

<sup>1</sup> URBEMIS is software which uses the URBEMIS land use emissions inventory model to estimate greenhouse gas and criteria pollutant emissions under particular scenarios involving construction, area, and other sources. It has been designed specifically for California, though a 49 states version is in development, and uses California-specific road and construction emissions factors. The URBEMIS 2007 model uses the California Air Resources Board's EMFAC2007 model for on-road vehicle emissions and the OFFROAD2007 model for off-road vehicle emissions.

**1044 EAST DUANE AVENUE GREENHOUSE GAS ANALYSIS**

| Difference |           |       |       |       |       |       |           |
|------------|-----------|-------|-------|-------|-------|-------|-----------|
| 2011       | -1,901.4  | -0.11 | -0.05 | Negl. | Negl. | Negl. | -1,919.21 |
| 2012       | -2,020.56 | -0.11 | -0.05 | Negl. | Negl. | Negl. | -2,038.37 |

Negl. - Emissions of this GHG would be negligible from this source category (less than 0.06 pounds per day)  
 Source: Urbemis 2007 v. 9.2.4 ; California Climate Action Registry General Reporting Protocol Version 3.1 (January, 2009)

In addition to BAAQMD's recommendation of construction-generated GHG emission quantification, BAAQMD recommends that all construction projects incorporate best management practices.

**Mitigation Measure 1:**

The project applicant shall specify in project plans the implementation of construction-related measures to reduce GHG emissions during construction activities for the proposed project. The developer shall implement the following measures or identify alternative measures to reduce construction-related GHG emissions, subject to the review and approval by the City of Sunnyvale Community Development / Planning Division.

1. Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet.
2. Local building materials (within 100 miles) of at least 10 percent, and
3. Recycle at least 50 percent of construction waste or demolition materials.

*Timing/Implementation: During construction.*

*Enforcement/Monitoring: City of Sunnyvale Community Development / Planning Division.*

**1044 EAST DUANE AVENUE GREENHOUSE GAS ANALYSIS**

**Operational Emissions**

For the purpose of analyzing this land use development project, the *Threshold of Significance* for operational-related GHG emissions is annual emissions of 1,100 metric tons per year (MT/year) of CO<sub>2</sub>e (BAAQMD, 2010). As shown in Table 2, operations of the previously approved project would surpass the BAAQMD *Threshold of Significance* of 1,100 MT/year.

**Table 2  
 Estimated Unmitigated Greenhouse Gas Emissions – Previously Approved Site Plan  
 Operations  
 (Metric Tons per Year)**

| Emission Source   | Carbon Dioxide (CO <sub>2</sub> )         | Methane (CH <sub>4</sub> ) | Nitrous Oxide (N <sub>2</sub> O) | Hydro-fluorocarbons (HFCs) | Per- fluorocarbons (PFCs) | Sulfur Hexafluoride (SF <sub>6</sub> ) | CO <sub>2</sub> e |
|---|---|----------------------------|----------------------------------|----------------------------|---------------------------|--|-------------------|
| Mobile Source <sup>1</sup><br>(vehicle)   | N/A                                       | N/A                        | N/A                              | N/A                        | N/A                       | N/A                                    | 848.94            |
| Area Source<br>(landscaping, hearth)  | 1.43                                      | Negl.                      | Negl.                            | Negl.                      | Negl.                     | Negl.                                  | 1.93              |
| Stationary Source   | Electricity                               | 492                        | Negl.                            | Negl.                      | Negl.                     | Negl.                                  | 492.83            |
|   | Natural Gas                               | 362                        | 0.03                             | Negl.                      | Negl.                     | Negl.                                  | 363.2             |
| Water and Wastewater Conveyance   | 36  | Negl.                      | Negl.                            | Negl.                      | Negl.                     | Negl.                                  | 36.37             |
| Solid Waste   | 1.68                                      | 10.84                      | Negl.                            | Negl.                      | Negl.                     | Negl.                                  | 229.31            |
| <b>Conversion of Emissions into carbon dioxide equivalents (CO<sub>2</sub>e), which weight each gas by its global warming potential</b> |   |                            |                                  |                            |                           |  |                   |
| <b>Total CO<sub>2</sub>e Emissions</b>  | <b>1,972.63 CO<sub>2</sub>e Emissions</b> |                            |                                  |                            |                           |  |                   |

Source: URBEMIS ver. 9.2.4; BAAQMD BGM Greenhouse Gas Calculator v. 1.1.9 (See Appendix)  
 NEGL - Emissions of this GHG would be negligible from this source category (less than 0.01 metric tons per year).  
 N/A - Not available through BGM  
 Trip generation rates from URBEMIS default, Condominium/Townhouse General and Condominium/Townhouse High Rise.  
 Emissions presented are adjusted for future improved CAF standards (Pavley II) and Low Carbon Fuel Standards. Average vehicle trip length estimated at approximately three miles per Section 2.12 of the E. Sunnyvale IIR Project IIR (City of Sunnyvale, 2006).

**1044 EAST DUANE AVENUE GREENHOUSE GAS ANALYSIS**

As shown in **Table 3**, operations of the proposed project would not surpass the BAAQMD *Threshold of Significance* of 1,100 MT/year, and furthermore would represent a reduction of approximately 1,093 MT/year of CO<sub>2</sub>e compared with the previously approved project. The majority of operational GHG emissions would result primarily from motor vehicles that travel to and from the site.

**Table 3**  
**Estimated Unmitigated Greenhouse Gas Emissions – Proposed Project Operations**  
**(Metric Tons per Year)**

| Emission Source   | Carbon Dioxide (CO <sub>2</sub> )       | Methane (CH <sub>4</sub> ) | Nitrous Oxide (N <sub>2</sub> O) | Hydro-fluorocarbons (HFCs) | Per-fluorocarbons (PFCs) | Sulfur Hexafluoride (SF <sub>6</sub> ) | CO <sub>2</sub> e |
|---|---|----------------------------|----------------------------------|----------------------------|--------------------------|--|-------------------|
| Mobile Source <sup>1</sup> (vehicle)  | N/A                                     | N/A                        | N/A                              | N/A                        | N/A                      | N/A                                    | 391.31            |
| Area Source (landscaping, hearth)   | 0.65                                    | Negl.                      | Negl.                            | Negl.                      | Negl.                    | Negl.                                  | 0.88              |
| Stationary Source:  | Electricity                             | 213.7                      | Negl.                            | Negl.                      | Negl.                    | Negl.                                  | 213.99            |
|   | Natural Gas                             | 157.3                      | 0.01                             | Negl.                      | Negl.                    | Negl.                                  | 157.71            |
| Water and Wastewater Conveyance   | 15.77                                   | Negl.                      | Negl.                            | Negl.                      | Negl.                    | Negl.                                  | 15.79             |
| Solid Waste   | 0.73                                    | 4.71                       | Negl.                            | Negl.                      | Negl.                    | Negl.                                  | 99.57             |
| <b>Conversion of Emissions into carbon dioxide equivalents (CO<sub>2</sub>e), which weight each gas by its global warming potential</b> |   |                            |                                  |                            |                          |  |                   |
| <b>Total CO<sub>2</sub>e Emissions</b>  | <b>879.26 CO<sub>2</sub>e Emissions</b> |                            |                                  |                            |                          |  |                   |

Source: URBEEMIS ver. 9.2.4; BAAQMD BGM Greenhouse Gas Calculator v. 1.1.9 (See Appendix)  
 NEGL - Emissions of this GHG would be negligible from this source category (less than 0.01 metric tons per year).  
 N/A - Not available through BGM  
 Trip generation rates from URBEEMIS default, Condominium/Townhouse General.  
<sup>1</sup> Emissions presented are adjusted for future improved CAFE standards (Pavley II) and Low Carbon Fuel Standards. Average vehicle trip length estimated at approximately three miles, per Section 2.12 of the E. Sunnyvale IIR Project DEIR and average daily trips estimated at 5.87 per Section 2.6 of the E. Sunnyvale IIR Project DEIR (City of Sunnyvale, 2006).

An increase of only 879.26 metric tons of CO<sub>2</sub>e annually would fall below the BAAQMD *Threshold of Significance* for operational-related GHG emissions of 1,100 metric tons per year CO<sub>2</sub>e. Therefore this impact is less than significant.

In addition, when compared with the previously approved project for 1044 East Duane Avenue, the proposed project would represent a reduction of approximately 1,093 MT/year of CO<sub>2</sub>e.

**1044 EAST DUANE AVENUE GREENHOUSE GAS ANALYSIS**

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**REFERENCES**

1. Bay Area Air Quality Management District (BAAQMD). 2010. *California Environmental Quality Act Guidelines*. June 2010.
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**MITIGATION MONITORING AND REPORTING PROGRAM**

**EAST SUNNYVALE  
INDUSTRIAL-TO-RESIDENTIAL (ITR) PROJECT**

**CITY OF SUNNYVALE**

**FEBRUARY 2007**

## P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On February 27, 2007, the City Council certified the Environmental Impact Report (EIR) for the East Sunnyvale Industrial-to-Residential (ITR) General Plan Amendment (GPA) and Planned Development (PD) Rezonings Project. The Final EIR concluded that the implementation of the proposed GPA scenario and the specific development projects could result in significant impacts on the environment, and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact  | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation  | Method of Compliance  | Oversight of Implementation              |
|---|--|--|---|--|
| <b>LAND USE</b>   |  |  |   |  |
| <p><b>IMPACT LU-5:</b> Construction activities would result in significant physical disturbance, and could cause temporary disruption to adjacent land uses, including the existing residential uses to the north.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE LU-1:</b> The applicants shall implement a Construction Management Plan, for all development within 1,000 feet of occupied residential uses, approved by the Director of Community Development to minimize impacts on surrounding sensitive land uses, particularly the residences across Duane Avenue, as well as the future residences on the project site itself, to the fullest extent possible. The Construction Management Plan shall include the following measures to minimize the impacts of construction upon adjacent land uses:</p> <ul style="list-style-type: none"> <li>• Measures to control dust, noise and water pollution result from construction activities.</li> <li>• Measures to keep all streets and public ways clean of debris, dirt, dust and other undesirable outcomes of construction.</li> <li>• Measures to control noise by limiting hours of operation of construction activities, avoiding more sensitive early morning and evening hours, and scheduling equipment selection.</li> </ul> | <p>Project proponents.</p> <p>Measures shall be implemented during all site excavation, grading and construction activities.</p> | <p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p> | <p>Director of Community Development</p> |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact  | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation  | Method of Compliance  | Oversight of Implementation              |
|---|---|--|---|--|
|   | <ul style="list-style-type: none"> <li>Selection of access routes for trucks delivering materials to and from the site which minimize neighborhood disturbance.</li> </ul> <p><b>Less Than Significant Impact with Mitigation</b></p>   |  |   |  |
| <b>HYDROLOGY AND WATER QUALITY</b>  |   |  |   |  |
| <p><b>IMPACT HYDRO-3:</b> Future development under the proposed ITR land use designation could cause a significant temporary increase in the amount of contaminants in storm water runoff during construction.</p> <p><b>Significant Impact Prior to Mitigation</b></p> <p><b>IMPACT HYDRO-6:</b> Construction of the proposed residential development project on the AMD property could cause a significant temporary increase in the amount of contaminants in stormwater runoff during construction.</p> | <p><b>MITIGATION MEASURE HYDRO-1:</b> Prior to construction of any phase of any project within the GPA area, the City of Sunnyvale will require that the applicant(s) submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:</p> | <p>Prior to issuance of a grading permit and/or issuance of a Special Development Permit</p> | <p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p> | <p>Director of Community Development</p> |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact  | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|---|--|---|----------------------|-----------------------------|
| <p><b>Significant Impact Prior to Mitigation</b></p> <p><b><u>IMPACT HYDRO-9:</u></b><br/>Construction of the proposed residential development project on the Taylor Woodrow site could cause a significant temporary increase in the amount of contaminants in stormwater runoff during construction.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <ul style="list-style-type: none"> <li>- Soil stabilization practices</li> <li>- Sediment control practices</li> <li>- Sediment tracking control practices</li> <li>- Wind erosion control practices and</li> <li>- Non-storm water management and waste management and disposal control practices.</li> </ul> <p><b><u>MITIGATION MEASURE HYDRO-2:</u></b> Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.</p> <p><b><u>MITIGATION MEASURE HYDRO-3:</u></b> Each phase of development will include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. BMPs and design features could include regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; biofilters; and stenciling on-site catch basins to discourage illegal dumping.</p> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|---|---|----------------------|-----------------------------|
|        | <p><b><u>MITIGATION MEASURE HYDRO-4:</u></b> The project shall comply with Provision C.3 of NPDES Permit Number CAS029718, Order #01-119, which provides enhanced performance standards for the management of storm water for new development.</p> <p><b><u>MITIGATION MEASURE HYDRO-5:</u></b> Prior to issuance of any Building Permits, each phase of development shall include provision for post-construction structural controls in the project design in compliance with the NPDES C.3 permit provisions, and shall include Best Management Practices (BMP) for reducing contamination in stormwater runoff as development will be determined based on design and site-specific considerations and will be determined prior to issuance of Special Development Permits. Post-construction BMPs and design features could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• <b><u>Infiltration Basins</u></b>-shallow impoundments designed to collect and infiltrate storm water into subsurface soils.</li> <li>• <b><u>Infiltration Trenches</u></b>-long, narrow trenches filled with permeable materials designed to collect and infiltrate storm water into subsurface soils.</li> </ul> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|---|---|----------------------|-----------------------------|
|        | <ul style="list-style-type: none"> <li>• <u>Permeable Pavements</u>-permeable hardscape that allows storm water to pass through and infiltrate subsurface soils.</li> <li>• <u>Vegetated Filter Strips</u>-linear strips of vegetated surface designed to treat surface sheet flow from adjacent surfaces.</li> <li>• <u>Vegetated Swales</u>-shallow open channels with vegetated sides and bottom designed to collect, slow, and treat storm water as it is conveyed to downstream discharge point.</li> <li>• <u>Flow-Through Planter Boxes</u>-structures designed to intercept rainfall and slowly drain it through filter media and out of planter.</li> <li>• <u>Hydrodynamic Separator</u>-flow through structures with a settling or separation unit that removes sediments and other pollutants.</li> <li>• <u>Media Filtration Devices</u>-two chamber system including a pretreatment settling basin and a filter bed.</li> <li>• <u>Green Roofs</u>-vegetated roof systems that retain and filter storm water prior to drainage off building rooftops.</li> <li>• <u>Wet Vaults</u>-subsurface storage system designed to fill with storm water during larger storm events and slowly release it into the conveyance system over a number of hours.</li> </ul> |   |                      |                             |

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| Impact   | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation                | Method of Compliance  | Oversight of Implementation              |
|--|---|--|---|--|
|  | <p><b>MITIGATION MEASURE HYDRO-6:</b> The applicant, their arborist and landscape architects, shall work with the City to select pest resistant plants to minimize pesticide use, as appropriate using the guidance provided by the SCVCRPPP. This may include the use of integrated pest management techniques, site design measures to reduce pest infestations, and the use of pest-resistant plants or landscape management methods to reduce the need for pesticide applications.</p> <p><b>MITIGATION MEASURE HYDRO-7:</b> The project shall comply with the City Storm Water Management Ordinance (Municipal Code Chapter 12.60).</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |  |   |  |
| <b>BIOLOGICAL RESOURCES</b>  |   |  |   |  |
| <p><b>IMPACT BIO-1:</b> Construction related to the proposed AMD Riding Group specific development project could result in impacts to Burrowing Owls, which could occupy suitable habitat on this portion of the project site.</p> | <p><b>MITIGATION MEASURE BIO-1:</b> Pre-construction surveys for burrowing owls shall be conducted by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The preconstruction surveys shall be conducted per CDFG guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are</p>  | <p>No more than 30 days prior to the start of site grading</p> | <p>A final report, including any protection measures, shall be submitted to the Director of Community Development prior to start of</p> | <p>Director of Community Development</p> |

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| <p><b>Significant Impact Prior to Mitigation</b></p> | <p>found, then no further mitigation would be warranted. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities that may disturb breeding owls, including grading or other construction work or evictions of owls, shall proceed.</p> <p><b><u>MITIGATION MEASURE BIO-2:</u></b> If preconstruction surveys determine that burrowing owls occupy the site, and avoiding development of occupied areas is not feasible, then the owls may be evicted outside of the breeding season, with the authorization of the California Department of Fish and Game (CDFG). The CDFG typically only allows eviction of owls outside of the breeding season (only during the non-breeding season [September]-January 31)) by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands.</p> <p><b><u>MITIGATION MEASURE BIO-3:</u></b> A final report of burrowing owls, including any protection measures, shall be submitted to the Director of Community Development prior to start of grading.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   | grading.             |                             |

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|---|---|---|---|--|
| Impact  | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation | Method of Compliance  | Oversight of Implementation              |
| <p><b>IMPACT BIO-2:</b> Construction activities during the nesting season may result in the disturbance or destruction of breeding raptors or their nests.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE BIO-4:</b> In conformance with Federal and State regulations regarding protection of raptors, the following CDFG protocols shall be completed prior to any development on the site to ensure that development does not disturb nesting raptors:</p> <p><i>Avoidance.</i> Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including raptors and shrikes, in the project site area extends from January through August.</p> <p><i>Preconstruction/Pre-disturbance Surveys.</i> If demolition and/or construction are to occur between January and August, then pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April), and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g.,</p> | <p>Prior to any development on the site</p>     | <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to start of grading.</p> | <p>Director of Community Development</p> |

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|        | <p>grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the MBTA or State Code will be disturbed during project implementation.</p> <p><i>Inhibit Nesting.</i> If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (February), if feasible, to help preclude nesting. Removal of vegetation or structures to be removed by the project shall be completed outside of the nesting season, which extends from January through August.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to start of grading.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   |                      |                             |

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|--|--|--|---|--|
| <p><b>IMPACT BIO-3:</b> The proposed conversion of the site to residential uses could result in the removal of up to 2,265 trees, 905 of which are of significant size.</p> <p><b>Significant Impact Prior to Mitigation</b></p> <p><b>IMPACT BIO-4:</b> The development of the AMD Riding Group specific development project could result in the removal of up to 126 trees, including 122 trees of significant size, on the site.</p> <p><b>Significant Impact Prior to Mitigation</b></p> <p><b>IMPACT BIO-5:</b> The development of the Taylor Woodrow specific development project could result in the removal of up to 114 trees, including 30 trees of significant size, on the site.</p> <p><b>Significant Impact Prior to</b></p> | <p><b>MITIGATION MEASURE BIO-5:</b> Prior to approval of a Site Development Permits for any subarea of the project site, a comprehensive tree survey for the parcel(s) being developed shall be required. The site design and permit approval shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the Director of Community Development. In locations where preservation of existing trees is not feasible due to site constraints, relocation and replanting of significant existing trees (especially native species) shall be incorporated into the project, where feasible and appropriate, to the satisfaction of the Director of Community Development.</p> <p><b>MITIGATION MEASURE BIO-6:</b> The specific development projects shall each conform to the City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94). At the discretion of the Director of Community Development, significant trees that are to be removed shall be replaced, replanted, or relocated (Municipal Code, Sections 19.94.080, 19.94.090, and 19.94.100).</p> <p><b>MITIGATION MEASURE BIO-7:</b> A tree protection plan shall be completed. The plan shall demonstrate how tree protection shall be provided during and after construction and shall include any</p> | <p>Prior to approval of a Site Development Permits for any subarea of the project site</p> | <p>City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94)</p> | <p>Director of Community Development</p> |

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|--|--|---|---|---|
| Mitigation   | of the protective measures set forth in Section 19.94.120 of the Municipal Code.<br><br>Less Than Significant Impact with Mitigation   |   |   |   |
| <b>HAZARDS AND HAZARDOUS MATERIALS</b>   |  |   |   |   |
| <p><b>IMPACT HAZ-2:</b> Residual concentrations of chemicals of particular concern present in soils and ground water on the specific development sites could expose future sensitive receptors (including future residents or other sensitive populations) or construction workers to significant hazard impacts.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE HAZ-1:</b> Prior to the issuance of demolition and site development permits, each project applicant shall prepare an application for oversight agency selection as described in the "Memorandum of Agreement between the Department of Toxic Substances Control, the State Water Resources Control Board, and the California Environmental Protection Agency for Oversight and Investigation and Cleanup Activities at Brownfield Sites", dated March 1, 2005. This application must summarize available site information, including soil, soil vapor, and ground water sampling results, planned land uses, and a conceptual management plan to be implemented as part of the planned development. The selected oversight agency shall determine whether remediation is required to address residual contamination in soil, soil vapor, and/or ground water on the site. All requirements of the oversight agency shall be followed, and any remediation activities shall be completed in accordance with all applicable Federal, State, and</p> | <p>Project proponents.</p> <p>Prior to the issuance of demolition and site development permits.</p> | <p>Department of Toxic Substances Control (DTSC)/Regional Water Quality Control Board (RWQCB)<br/>Application for Oversight Agency Selection</p> <p>Conformance with State and Federal regulations. All measures will be printed on all construction documents, contracts, and project plans and will be reviewed</p> | <p>Director of Community Development and DTSC/RWQCB</p> |

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|        | <p>local regulations.</p> <p><b>MITIGATION MEASURE HAZ-2:</b> Locating and removing the sources of contamination beneath each development site would not be feasible because some of the VOCs in the ground water beneath the sites originate offsite. Therefore, the developers will likely be required by the oversight regulatory agency to create an impermeable membrane (for example, using an asphalt-based spray), beneath each of the residences on the site to ensure VOCs do not affect the inhabitants of the proposed residences. The specific methods used will be determined by the oversight regulatory agency.</p> <p><b>MITIGATION MEASURE HAZ-3:</b> A hazardous materials licensed contractor shall conduct construction earthwork activities with properly trained employees in areas where contaminated soil or ground water exceed residential screening levels. Employees conducting earthwork activities at the site must complete a 40-hour training course, including respirator and personal protective equipment training. Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the</p> |   | by the Director of Community Development. |                             |

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|        | <p>requirements and procedures for employee protection.</p> <p><b>MITIGATION MEASURE HAZ-4:</b> Cleanup and remediation of the site will be required to meet all applicable Federal, State, and local regulations.</p> <p><b>MITIGATION MEASURE HAZ-5:</b> Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Contaminated soils shall be disposed of at a licensed facility.</p> <p><b>MITIGATION MEASURE HAZ-6:</b> Any remaining storage tanks on the site shall be properly closed and removed according to the City of Sunnyvale Department of Public Safety standards prior to development. Any remaining wells on the site shall be properly closed and removed/abandoned in accordance with the Santa Clara Valley Water District's procedures and requirements.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   |                      |                             |

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|---|---|--|--|---|
| <p><b><u>IMPACT HAZ-4:</u></b> Demolition of the existing structures and facilities on the site could result in the upset or accidental release of hazardous materials which may be present.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b><u>MITIGATION MEASURE HAZ-7:</u></b> ACBMs and lead-based paint may be present in the existing buildings on the site. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require that all potentially friable ACBMs be removed prior to building demolition or renovation that may disturb ACBMs. Each proposed development project on the site shall conform to the standard requirements described in the <i>Impacts</i> discussion above for avoiding impacts associated with ACBMs.</p> <p><b><u>MITIGATION MEASURE HAZ-8:</u></b> Prior to demolition and redevelopment of properties with industrial buildings, the chemical storage and use history shall be researched for each facility and the closure requirements by local regulatory agencies (<i>i.e.</i>, City of Sunnyvale Department of Public Safety) shall be met.</p> <p><b><u>MITIGATION MEASURE HAZ-9:</u></b> During site demolition, care shall be taken when removing the various sump and underground structures located across the property. Soil and sludge contaminated above acceptable regulatory guidelines shall be appropriately disposed off-site at a licensed facility.</p> | <p>Project proponents.</p> <p>Prior to demolition and redevelopment of properties with industrial buildings.</p> | <p>Conformance with State and Federal regulations. All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development.</p> | <p>Director of Community Development, Director of Public Works, and the Santa Clara Valley Water District</p> |

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|        | <p><b><u>MITIGATION MEASURE HAZ-10:</u></b><br/>Fluorescent lights present in the buildings on the site shall be disposed at an appropriate recycling facility. In addition, other mercury-containing products, such as heating-ventilation and air conditioning (HVAC) system thermostats, pilot light sensors, and other mercury-containing electrical components and switches, shall be properly handled and disposed at an appropriate facility.</p> <p><b><u>MITIGATION MEASURE HAZ-11:</u></b> The project applicant shall submit plans showing the existing wells on the site to the selected oversight agency for review and approval before demolition of the existing buildings. The existing wells on the site shall be abandoned in accordance with the Santa Clara Valley Water District standards and procedures.</p> <p><b><u>MITIGATION MEASURE HAZ-12:</u></b> A qualified environmental professional shall be present during demolition and stripping of the site, to identify possible soil contamination and hazards.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   |                      |                             |

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|--|--|--|---|---|
| <b>TRANSPORTATION</b>  |  |  |   |   |
| <p><b>IMPACT TRANS-1:</b> Future build-out of the site under the proposed GPA scenario would result in significant impacts to two City of Sunnyvale intersections: Fair Oaks Avenue/Arques Avenue and Stewart Drive/Duane Avenue.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE TRANS-1:</b> The LOS impact at Fair Oaks Avenue and Arques Avenue could be mitigated by providing an exclusive eastbound right-turn lane. The mitigation includes reconstructing the eastbound leg of the intersection, which would entail removal of street parking, shifting and reducing the width of the travel lanes, and/or acquiring some right-of-way. Reconfiguring the eastbound leg would involve re-striping and traffic signal modifications. This mitigation measure would improve the intersection level of service to better than 2020 baseline conditions.</p> <p><b>MITIGATION MEASURE TRANS-2:</b> The LOS impact at Stewart Drive and Duane Avenue could be mitigated by converting the westbound shared through/right-turn lane into an exclusive right-turn lane, and converting the shared through/left-turn lane into a shared left/through/right lane. This improvement would require signal modifications and re-striping only; no additional right-of-way would be required. This mitigation measure would improve the intersection level of service from LOS F to an acceptable LOS D. The project proponents on the overall ITR site would be required to contribute</p> | <p>Project proponents on the overall ITR site would be required to contribute their proportionate fair-share of funds to implement the necessary improvements.</p> | <p>All signal improvements will be designed and reviewed by the Transportation and Traffic Manager.</p> | <p>Director of Community Development and the Transportation and Traffic Manager</p> |

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|--|---|---|--|--|
|  | their proportionate fair-share of funds to implement the necessary improvements.<br><br><b>Less Than Significant Impact with Mitigation</b>   |   |  |  |
| <b>AIR QUALITY</b>   |   |   |  |  |
| <p><b>IMPACT AIR-2:</b> The long-term GPA scenario would generate an increase in emissions exceeding the thresholds of significance for reactive organic gases. Therefore, the proposed GPA scenario would have a significant impact on regional air quality.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE AIR-2:</b> The project shall include and implement measures identified by the BAAQMD to reduce emissions at the permit stage for each redevelopment project, to the satisfaction of the Director of Community Development and the Transportation and Traffic Manager, including the following:</p> <ul style="list-style-type: none"> <li>o Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stops and nearby commercial areas.</li> <li>o Provide secure and conveniently placed bicycle parking and storage facilities at parks, stores, and other facilities in conformance with the requirements of the Zoning Ordinance.</li> <li>o Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.</li> </ul> | Project proponents.                             | All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits. | Director of Community Development and the Transportation and Traffic Manager |

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|---|--|--|---|--|
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|   | <ul style="list-style-type: none"> <li>o Provide transit information kiosks.</li> <li>o Provide preferential parking for electric or alternatively-fueled vehicles in the commercial development.</li> </ul> <p><b>Significant Unavoidable Impact</b></p>  |  |   |  |
| <p><b>IMPACT AIR-4:</b> The effects of demolition and construction activities would be increased dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust may impact nearby properties, particularly the existing residential areas to the north, northwest and east.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE AIR-1:</b> Any future development under the proposed General Plan designation would be subject to the City's grading ordinance; all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.</p> <p>The following provisions to control dust and exhaust emissions shall be followed by the specific development projects during all site excavation, grading and construction activities:</p> <p><b>MITIGATION MEASURE AIR-3:</b> All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.</p> | <p>Project proponents.</p> <p>Measures shall be implemented during all site excavation, grading and construction activities.</p> | <p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p> | <p>Director of Community Development</p> |

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|        | <p><b><u>MITIGATION MEASURE AIR-4:</u></b> Newly disturbed soil surfaces shall be watered down regularly by a water truck(s) or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems shall not be allowed.</p> <p><b><u>MITIGATION MEASURE AIR-5:</u></b> Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operations.</p> <p><b><u>MITIGATION MEASURE AIR-6:</u></b> All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.</p> <p><b><u>MITIGATION MEASURE AIR-7:</u></b> The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level of less than significant. The following construction practices required by the City of Sunnyvale meet or exceed</p> |   |                      |                             |

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|        | <p>the BAAQMD feasible construction dust control measures and will be implemented during all phases of construction on the project site:</p> <ul style="list-style-type: none"> <li>○ Use dust-proof chutes for loading construction debris onto trucks.</li> <li>○ Water to control dust generation during demolition of structures and break-up of pavement.</li> <li>○ Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.</li> <li>○ Cover all trucks hauling demolition debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>○ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</li> <li>○ Sweep streets daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.</li> </ul> |   |                      |                             |

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|   | <ul style="list-style-type: none"> <li>o Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.</li> <li>o Limit traffic speed on unpaved roads to 15 mph.</li> <li>o Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>o Replant vegetation in disturbed areas as quickly as possible.</li> </ul> <p><b>MITIGATION MEASURE AIR-8:</b> Address dust or complaints regarding dust within 24 hours to the satisfaction of City staff (or other authority).</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   |   |  |
| <b>NOISE</b>  |   |   |   |  |
| <p><b>IMPACT NOISE-1:</b> The proposed project would be exposed to noise levels above the City's exterior noise goal of 60 dB Ldn and the interior noise goal of 45 dB Ldn.</p> <p><b>Significant Impact Prior to</b></p> | <p>All new multi-family residential development will be subject to existing laws, including Title 24, Part 2, of the State Building Code.</p> <p>The following mitigation measures shall be included in the project to reduce impacts from high noise levels upon future residential areas to a less-than-significant level:</p>  | <p>Project proponents.</p> <p>Measures shall be included in future site plans for development projects on the site.</p> | <p>Title 24, Part 2, of the State Building Code.</p> <p>All measures will be printed on all construction documents,</p> | <p>Director of Community Development</p> |

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| Mitigation | <p><b>MITIGATION MEASURE NOISE-1:</b> When developing each future project's site plan, locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible to reduce exterior noise levels. The final detailed design of the heights and limits of proposed noise barriers shall be completed at the time that the final site and grading plans are submitted.</p> <p><b>MITIGATION MEASURE NOISE-2:</b> Project-specific acoustical analyses are mandated by the State for new multi-family uses where noise levels exceed 60 dBA <math>L_{dn}</math>. Each future development project on the site shall complete a detailed analysis during the design-level of the project to select appropriate windows and wall assemblies to meet interior noise standards. The analyses shall meet the following noise reduction requirements.</p> <ul style="list-style-type: none"> <li>• Interior average noise levels shall be reduced to 45 dBA <math>L_{dn}</math> or lower to meet State and local standards.</li> <li>• Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units exposed to exterior noise levels greater than 60 dBA <math>L_{dn}</math>.</li> </ul> |   | contracts, and project plans and will be reviewed by the Director of Community Development |                             |

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|        | <p>so that windows could be kept closed at the occupant's discretion to control noise.</p> <ul style="list-style-type: none"> <li>• Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required for new residential uses adjacent to perimeter roadways. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis.</li> <li>• Buildings with the greatest exposure to noise from Duane Avenue and Lawrence Expressway may require windows with sound insulation ratings ranging from approximately STC 28 to STC 33, depending on the size and shape of windows and rooms. These ratings can be achieved using well sealed dual pane windows with various glazing configurations.</li> </ul> |   |                      |                             |

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|--|---|---|---|--|
|  | <p>Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.</p> <p><b>Less Than Significant Impact with Mitigation</b></p>  |   |   |  |
| <p><b>IMPACT NOISE-3:</b> The proposed redevelopment of the site would result in significant short-term increases in noise levels in the project area, especially during grading, below grade work, and pile driving.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE NOISE-3:</b> Post signs at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site and day and evening contact number for the City in the event of problems.</p> <p><b>MITIGATION MEASURE NOISE-4:</b> The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. Notify neighbors of the schedule and type of equipment that would be used for each phase of construction.</p> | <p>Project proponents.</p> <p>To be implemented during all demolition and construction phases by the contractors.</p> | <p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p> | <p>Director of Community Development</p> |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|--|---|----------------------|-----------------------------|
|        | <p><b>MITIGATION MEASURE NOISE-5:</b> Limit construction hours to between 7:00 AM and 6:00 PM on weekdays, and between 8:00 AM and 5:00 PM on Saturdays.</p> <p><b>MITIGATION MEASURE NOISE-6:</b> Utilize "quiet" air compressors and other stationary noise sources where technology exists. Locate noisy stationary equipment (e.g., generators and compressors) away from the most sensitive adjacent uses.</p> <p><b>MITIGATION MEASURE NOISE-7:</b> Require that all construction equipment be in good working order and that mufflers are inspected for proper functioning.</p> <p><b>MITIGATION MEASURE NOISE-8:</b> Designate a construction noise coordinator. This coordinator shall be available to respond to complaints from neighbors and take appropriate measures to reduce noise.</p> <p><b>MITIGATION MEASURE NOISE-9:</b> If pile driving is required, implement site-specific noise and vibration attenuation measures under the supervision of a qualified acoustical consultant such as the following measures:</p> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|--|---|----------------------|-----------------------------|
|        | <ul style="list-style-type: none"> <li>• Multiple pile drivers shall be considered to expedite this phase of project construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.</li> <li>• Temporary noise control blanket barriers shall shroud pile drivers. Such noise control blanket barriers can be rented and quickly erected.</li> <li>• The contractor shall pre-drill pile holes to minimize the number of blows required to seat the pile for all piles driven within 200 feet of sensitive land uses. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. The associated noise reduction would be based on the soil conditions of the site.</li> <li>• The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities and the event schedule can be</li> </ul> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact   | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation  | Method of Compliance | Oversight of Implementation |
|--|--|--|----------------------|-----------------------------|
|  | <p>scheduled to minimize noise disturbance.</p> <ul style="list-style-type: none"> <li>Notify land uses located within 200 feet of pile driving activities of the construction schedule in writing.</li> </ul> <p><b>Less Than Significant Impact with Mitigation</b></p>  |  |                      |                             |
| <p><b>IMPACT NOISE-4:</b> The proposed residential units at the northern end of the AMD development site along Duane Avenue, and on the Taylor Woodrow development site along Lawrence Expressway, would be exposed to noise levels above the City's exterior noise goal of 60 dB L<sub>dn</sub> and the interior noise goal of 45 dB L<sub>dn</sub>.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE NOISE-10:</b> Project-specific acoustical analyses are mandated by the State for new multi-family uses where noise levels exceed 60 dBA L<sub>dn</sub>. Each future development project on the site shall complete a detailed analysis during the design-level of the project to select appropriate windows and wall assemblies to meet interior noise standards. The analyses shall meet the following noise reduction requirements.</p> <ul style="list-style-type: none"> <li>Interior average noise levels shall be reduced to 45 dBA L<sub>dn</sub> or lower to meet State and local standards.</li> <li>Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units exposed to exterior noise levels greater than 60 dBA L<sub>dn</sub>, so that windows could be kept closed at the occupant's discretion to control noise.</li> </ul> | <p>Project proponents.</p> <p>To be implemented during design and construction phases.</p> |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|---|---|----------------------|-----------------------------|
|        | <ul style="list-style-type: none"> <li>Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required for new residential uses adjacent to perimeter roadways. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis.</li> </ul> <p>Buildings with the greatest exposure to noise from Duane Avenue and Lawrence Expressway may require windows with sound insulation ratings of approximately STC 30 or greater, depending on the size and shape of windows and rooms. These ratings can be achieved using well sealed dual pane windows with various glazing configurations.</p> <p>Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact   | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation   | Method of Compliance  | Oversight of Implementation              |
|--|--|---|---|--|
| <p><b>IMPACT NOISE-6:</b> The proposed specific development projects would result in significant short-term increases in noise levels in the project area, especially during grading, below grade work, and pile driving.</p> <p><b>Significant Impact Prior to Mitigation</b></p> | <p><b>MITIGATION MEASURE NOISE-11:</b> Each specific development project shall be required to implement the mitigation measures described above under General Plan Amendment Mitigation (Mitigation Measures Noise 3-9). With implementation of these measures on each specific site, short-term noise impacts would be reduced to a less than significant level.</p> <p><b>Less Than Significant Impact with Mitigation</b></p>   | <p>Project proponents.</p> <p>To be implemented during all demolition and construction phases by the contractors.</p>                   | <p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p> | <p>Director of Community Development</p> |
| <b>CULTURAL RESOURCES</b>  |  |   |   |  |
| <p><b>IMPACT CULT-1:</b> Development of the project site could result in a significant impact to buried cultural resources which could be present on the site.</p> <p><b>Significant Impact Prior to Mitigation</b></p>  | <p><b>MITIGATION MEASURE CULT-1:</b> Prior to the initiation of construction or ground-disturbing activities at the southwest corner of the East Sunnyvale ITR project, a qualified professional archaeologist shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with CA-SCI-9 or other as yet unknown cultural resources at this location within the project parcel. The testing program shall be implemented with the results presented in <i>Presence/Absence Testing Report</i> commensurate with the findings. Any</p> | <p>Project proponents.</p> <p>To be implemented during all ground-disturbing demolition and construction phases by the contractors.</p> | <p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p> | <p>Director of Community Development</p> |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|--|---|----------------------|-----------------------------|
|        | <p>recommendations for treatment of a significant resource shall be presented in the report.</p> <p><b>MITIGATION MEASURE CULT-2:</b> Prior to the initiation of any construction that has the potential for ground-disturbing activities within the GPA project area, the project proponent shall inform all construction personnel of the potential for exposing subsurface cultural resources at the project components and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.</p> <p><b>MITIGATION MEASURE CULT-3:</b> Archaeological monitoring on a full-time basis by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within and within a radius of 100 feet to CA-SCI-9. The archaeologist shall maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|--|---|----------------------|-----------------------------|
|        | <p><b><u>MITIGATION MEASURE CULT-4:</u></b><br/>Archaeological monitoring on less-than-full time basis with the frequency and duration to be determined by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within the East Sunnyvale ITR parcel. The archaeologist shall maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> <p><b><u>MITIGATION MEASURE CULT-5:</u></b><br/>Excavation contracts for development shall contain provisions for stop-work in the vicinity of an archaeological find in the event of the exposure of significant cultural resources during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by permitting and regulatory agencies. The appropriate construction conditions should be included within the <i>General Conditions</i> section of any contract that has the potential for ground disturbing operations.</p> <p><b><u>MITIGATION MEASURE CULT-6:</u></b> If any unanticipated prehistoric or significant historic era cultural materials including Native American burials are exposed during construction grading</p> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

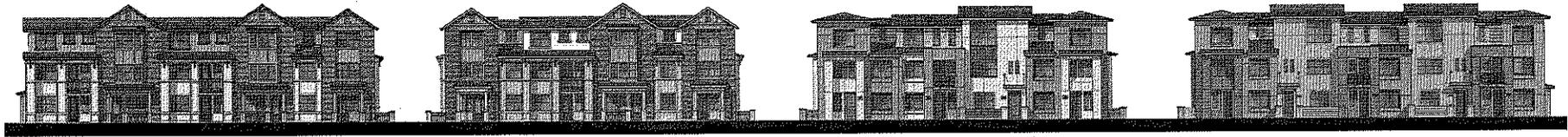
| Impact | Mitigation or Avoidance Measure(s)   | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------|--|---|----------------------|-----------------------------|
|        | <p>and/or excavation, operations should stop within a minimum of 10 feet of the find to avoid altering the cultural materials and their context and a qualified Professional Archaeologist retained for identification, evaluation and further recommendations. The Community Development Director of the City shall be notified of the discovery. Construction work shall not begin again within the find area until the archaeologist has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed</p> <p>If the discovery is determined to be a unique archaeological or historical resource under the criteria of the <i>California Register of Historical Resources</i> after review and evaluation by a Professional Archaeologist, and if avoidance of the resource is not possible, the Professional Archaeologist shall develop plans for treatment of the find(s) and mitigation of impacts acceptable to the City of Sunnyvale. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The</p> |   |                      |                             |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact  | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation  | Method of Compliance | Oversight of Implementation   |
|---|---|--|----------------------|---|
|   | <p>project proponent shall make every effort to insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed.</p> <p>If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the Santa Clara County Medical Examiner.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |  |                      |   |
| <b>UTILITIES AND SERVICE IMPACTS</b>  |   |  |                      |   |
| <p><b>IMPACT UTIL-2:</b> Buildout of the proposed project would increase sewage flows from the site and these flows could exceed the capacity of the existing downstream sewer system as well as the existing sewer mains in the immediate site area.</p> <p><b>Significant Impact Prior to</b></p> | <p><b>MITIGATION MEASURE UTIL-1:</b> The mitigation for this impact would be to increase the capacity of the Lawrence Expressway trunk line, through construction of a parallel line for the length of the capacity constraint. As individual properties on the overall ITR site develop, the project proponents on the overall ITR site may be required to conduct further specific sewer capacity discharge analyses, depending on ultimate location, and size, nature, and intensity of</p>  | <p>Project proponents.</p> <p>Additional, site-specific sewer capacity discharge analyses may be required during the project design process.</p> |                      | <p>Director of Community Development and Director of Public Works</p> |

**Mitigation Monitoring and Reporting Program  
The East Sunnyvale ITR Project**

| Impact                   | Mitigation or Avoidance Measure(s)  | Timeframe and Responsibility for Implementation | Method of Compliance | Oversight of Implementation |
|--------------------------|---|---|----------------------|-----------------------------|
| <p><b>Mitigation</b></p> | <p>development. The project proponents would be required to contribute their proportionate fair-share of funds to implement any necessary sewer system improvements.</p> <p><b>MITIGATION MEASURE UTIL-2:</b> When additional development projects are proposed on the site, all future development projects shall complete site-specific engineering and design of the sanitary sewer system on-site, and shall determine the most appropriate method for connecting to the downstream trunk line in Lawrence Expressway, to the satisfaction of the Director of Public Works. Each site-specific future development project would be responsible for installing any sewer line upgrades or connections deemed necessary by the City to accommodate the anticipated peak loads.</p> <p><b>Less Than Significant Impact with Mitigation</b></p> |   |                      |                             |



# DUANE COURT

## SUNNYVALE, CALIFORNIA

### Project Directory:

#### Owner:

Taylor Morrison - Bay Area Office  
 5000 Executive Parkway, Suite 175  
 San Ramon, CA 94583  
 925-659-0101 Office  
 Contact: Jay Pawlek

#### Architect:

KTGY Group, Inc.  
 283 4th Street, Third Floor  
 Oakland, CA 94607  
 510-272-2910 Office  
 Contact: Jill Williams

#### Owner's Consultants:

#### Civil Engineer:

BKF Engineers  
 1650 Technology Drive, Suite 650  
 San Jose, CA 95110  
 408-467-9100 office  
 Contact: Scott Schork

#### Landscape Architect:

Randall Planning & Design, Inc.  
 1475 North Broadway, Suite 290  
 Walnut Creek, CA 94596  
 925-934-8002 office  
 Contact: Greg Randall

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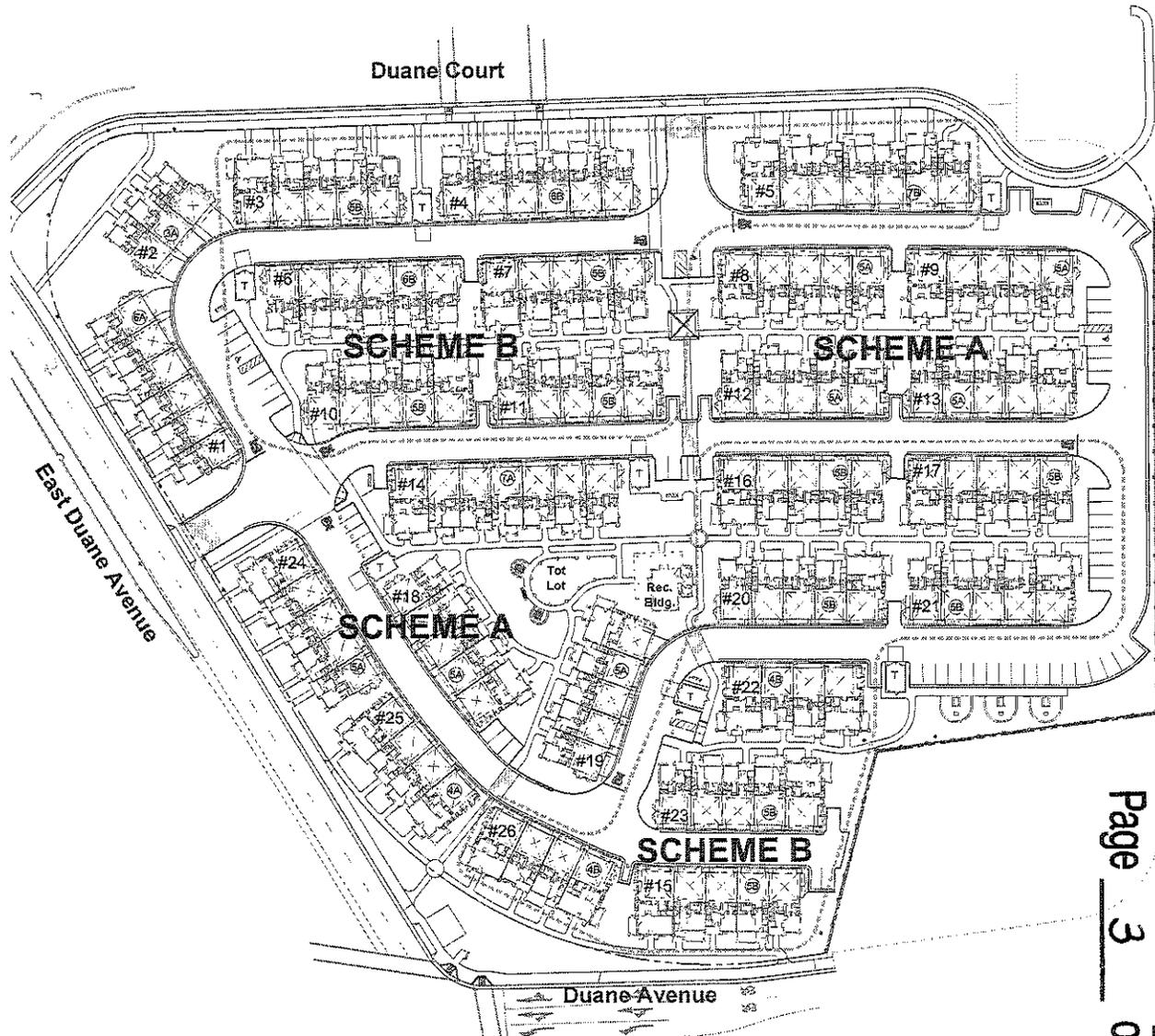
ATTACHMENT E  
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A.0

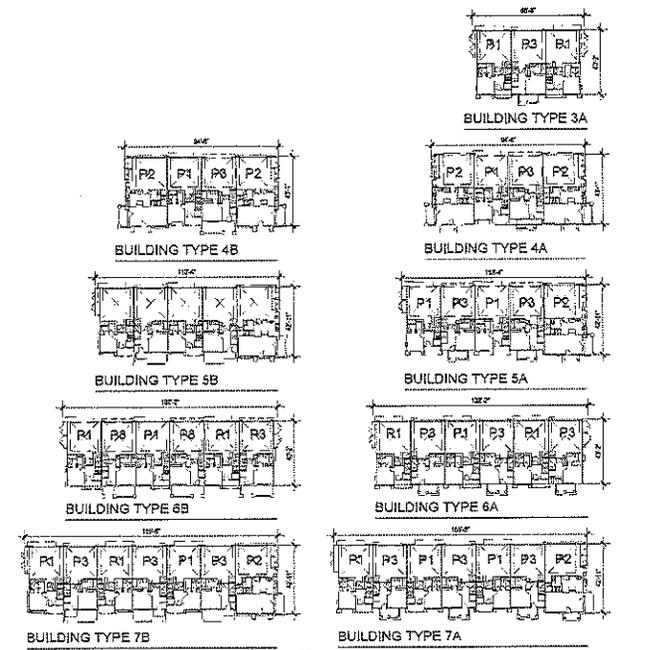
Title Sheet



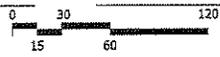




Lawrence Expressway



Building Types



Site Summary

Total Site Area = 7.3  
Density (units/acre) = 18.1

| Building Type      | Scheme A  |               | Scheme B  |               | Totals    |               | Total     | %            | Required  | Provided  |
|--------------------|-----------|---------------|-----------|---------------|-----------|---------------|-----------|--------------|-----------|-----------|
|                    | Units     | Area          | Units     | Area          | Units     | Area          |           |              |           |           |
| Plan 1             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 2             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 3             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 4             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 5             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 6             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 7             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 8             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 9             | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 10            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 11            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 12            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 13            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 14            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 15            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 16            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 17            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 18            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 19            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 20            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 21            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 22            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 23            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 24            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 25            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| Plan 26            | 1         | 1,000         | 1         | 1,000         | 2         | 2,000         | 2         | 27.7%        | 1         | 1         |
| <b>Total Units</b> | <b>26</b> | <b>26,000</b> | <b>26</b> | <b>26,000</b> | <b>52</b> | <b>52,000</b> | <b>52</b> | <b>71.1%</b> | <b>26</b> | <b>26</b> |

| Open Space - Planned | Units  | Required | Provided |
|----------------------|--------|----------|----------|
| Per Unit             | 100    | 100      | 100      |
| Total                | 52,000 | 52,000   | 52,000   |

See also Open Space Exhibit

LOT COVERAGE = 38.99 %  
INCLUDES TOWNHOME BUILDINGS AND RECREATION BUILDING.  
INCLUDING PORCHES WITH ROOFS MORE THAN 50% SOLID.

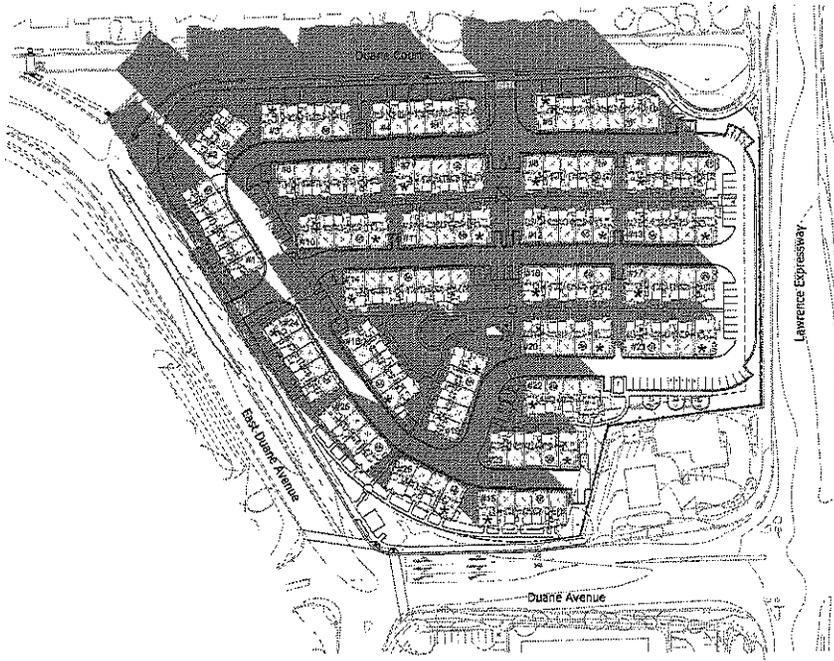
| Plan         | Scheme           | Units         | Area          | Per Unit    | Total         |
|--------------|------------------|---------------|---------------|-------------|---------------|
| Plan 1       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 2       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 3       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 4       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 5       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 6       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 7       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 8       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 9       | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 10      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 11      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 12      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 13      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 14      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 15      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 16      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 17      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 18      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 19      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 20      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 21      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 22      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 23      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 24      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 25      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| Plan 26      | A & B            | 1,000         | 1,000         | 1.00        | 1,000         |
| <b>Total</b> | <b>A &amp; B</b> | <b>26,000</b> | <b>26,000</b> | <b>1.00</b> | <b>26,000</b> |

\* INDICATES POTENTIAL DWELLING UNITS WITH ACCESSIBLE AND ADAPTABLE FEATURES PER CBC 1102A.8

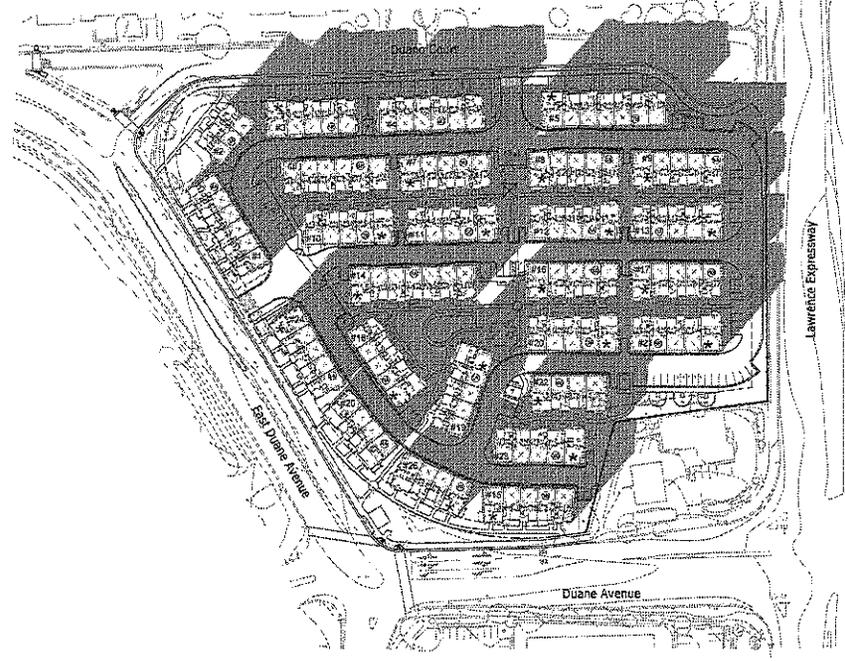
Conceptual Site Plan



SP.1



December 21st, 9:00AM

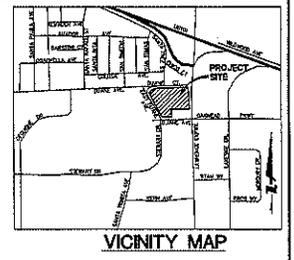
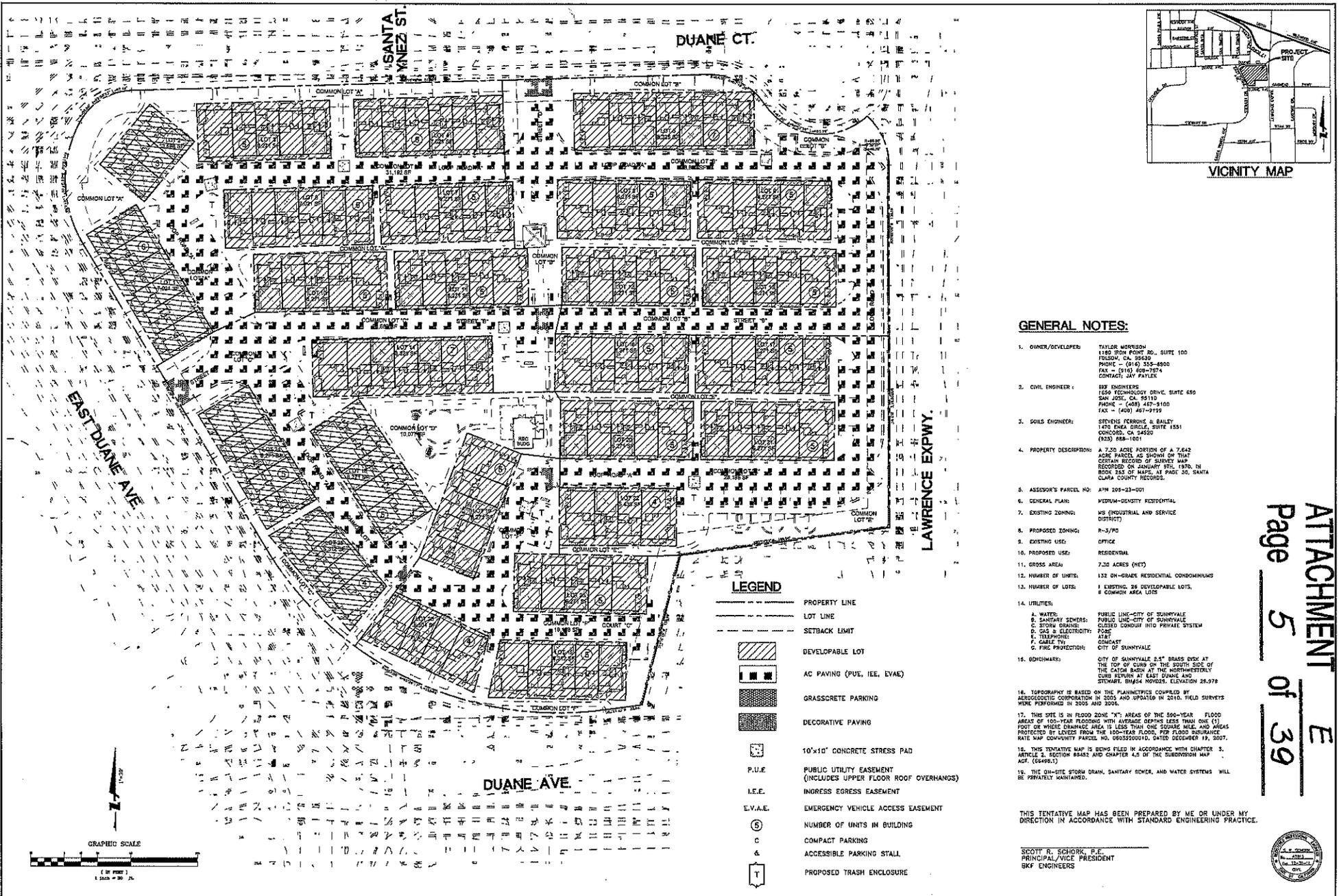


December 21st, 3:00PM

SP.2

Solar Access and Shadow Study



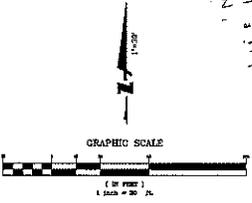


**GENERAL NOTES:**

- OWNER/DEVELOPER: TAYLOR MORRISON  
1180 IRON POINT RD., SUITE 100  
FOLSOM, CA 95640  
PHONE - (916) 525-8800  
FAX - (916) 508-7274  
CONTACT: JAY PAYLER
- CIVIL ENGINEER: BKF ENGINEERS  
1650 TECHNOLOGY DRIVE, SUITE 650  
SAN JOSE, CA 95110  
PHONE - (408) 482-9100  
FAX - (408) 481-9159
- SOILS ENGINEER: STEVENS FERROE & BAILEY  
1470 EMEA CIRCLE, SUITE 1551  
CONCORD, CA 94520  
(925) 888-1001
- PROPERTY DESCRIPTION: A 7.20 ACRE PORTION OF A 7.642 ACRE PARCEL AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP RECORDED ON JANUARY 9TH, 1976, IN BOOK 283 OF MAPS, AT PAGE 30, SANTA CLARA COUNTY RECORDS.
- ASSessor'S PARCEL NO: 47M 309-23-001
- GENERAL PLAN: MEDIUM-DENSITY RESIDENTIAL
- EXISTING ZONING: M3 (INDUSTRIAL AND SERVICE DISTRICT)
- PROPOSED ZONING: R-3/PD
- EXISTING USE: OFFICE
- PROPOSED USE: RESIDENTIAL
- GROSS AREA: 7.30 ACRES (NET)
- NUMBER OF UNITS: 132 ON-GRADE RESIDENTIAL CONDOMINIUMS
- NUMBER OF LOTS: 1 EXISTING, 28 DEVELOPABLE LOTS, 8 COMMON AREA LOTS
- UTILITIES:  
A. WATER: PUBLIC LINE-CITY OF SUNNYVALE  
B. SANITARY SEWERS: PUBLIC LINE-CITY OF SUNNYVALE  
C. STORM DRAINS: CLOSED CONDUIT INTO PRIVATE SYSTEM  
D. GAS & ELECTRICITY: POSE  
E. TELEPHONE: AT&T  
F. CABLE TV: COMCAST  
G. FIRE PROTECTION: CITY OF SUNNYVALE
- BENCHMARK: CITY OF SUNNYVALE 2.4' BARS BOND AT THE TOP OF CURB ON THE SOUTH SIDE OF THE CATCH BASIN AT THE NORTHWESTERLY CORNER RETURN AT EAST DUANE AND STEWART, BM254 NOVD25, ELEVATION 26.978
- TOPOGRAPHY IS BASED ON THE PLAINMETRICS COMPILED BY AEROGEOLOGIC CORPORATION IN 2005 AND UPDATED IN 2010. FIELD SURVEYS WERE PERFORMED IN 2005 AND 2006.
- THIS SITE IS IN FLOOD ZONE "X". AREAS OF THE 500-YEAR FLOOD AREA OF 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE DRAINAGE AREA IS LESS THAN ONE SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD, PER FLOOD INSURANCE RATE MAP COMMUNITY FLOOD NO. 0805220016L, DATED DECEMBER 19, 2007.
- THIS TENTATIVE MAP IS BEING FILED IN ACCORDANCE WITH CHAPTER 3, ARTICLE 2, SECTION 85452 AND CHAPTER 4.5 OF THE SUBDIVISION MAP ACT (58494.1)
- THE ON-SITE STORM DRAIN, SANITARY SEWER, AND WATER SYSTEMS WILL BE PRIVATELY MAINTAINED.

**LEGEND**

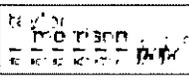
- PROPERTY LINE
- LOT LINE
- SETBACK LIMIT
- DEVELOPABLE LOT
- AC PAVING (P.U.E., I.E.E., E.V.A.E.)
- GRASSCRETE PARKING
- DECORATIVE PAVING
- 10'x10' CONCRETE STRESS PAD
- P.U.E. PUBLIC UTILITY EASEMENT (INCLUDES UPPER FLOOR ROOF OVERHANGS)
- I.E.E. INGRESS EGRESS EASEMENT
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- (S) NUMBER OF UNITS IN BUILDING
- (C) COMPACT PARKING
- (D) ACCESSIBLE PARKING STALL
- (T) PROPOSED TRASH ENCLOSURE



ATTACHMENT E  
Page 5 of 39

THIS TENTATIVE MAP HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

SCOTT R. SEMOROK, P.E.  
PRINCIPAL/VICE PRESIDENT  
BKF ENGINEERS



**DUANE COURT**  
SUNNYVALE, CALIFORNIA

**VESTING TENTATIVE CONDOMINIUM MAP**  
**TITLE SHEET**

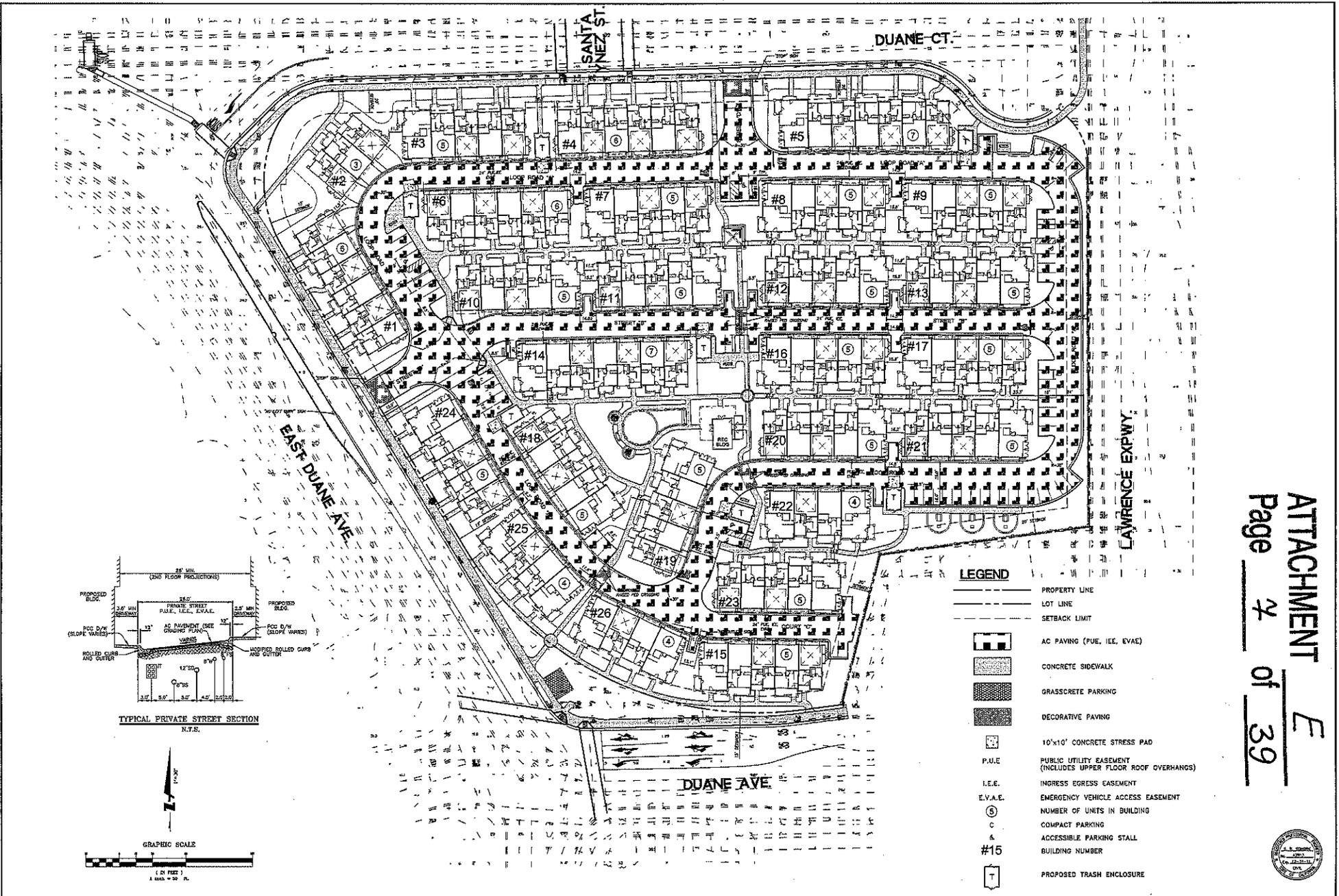
January 19, 2011



1650 TECHNOLOGY DRIVE  
SUITE 650  
SAN JOSE, CA 95110  
408-482-9100  
408-482-9159 (FAX)

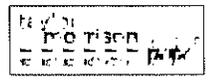
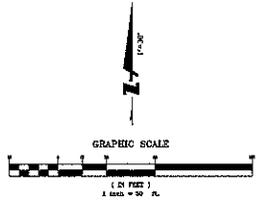
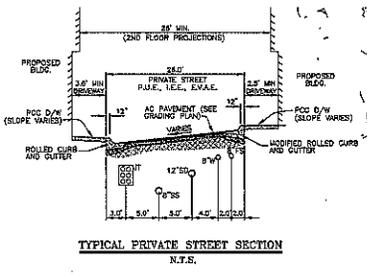
DRAWING NO.  
**VTM-01**  
1 OF 8





**LEGEND**

|  |  |
|--|--|
|  | PROPERTY LINE  |
|  | LOT LINE   |
|  | SETBACK LIMIT  |
|  | AC PAVING (PUE, I.E.E., E.V.A.E.)                                    |
|  | CONCRETE SIDEWALK  |
|  | GRASSCRETE PARKING   |
|  | DECORATIVE PAVING  |
|  | 10'x10' CONCRETE STRESS PAD  |
|  | P.U.E. PUBLIC UTILITY EASEMENT (INCLUDES UPPER FLOOR ROOF OVERHANGS) |
|  | I.E.E. INGRESS EGRESS EASEMENT                                       |
|  | E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT                           |
|  | NUMBER OF UNITS IN BUILDING  |
|  | COMPACT PARKING  |
|  | ACCESSIBLE PARKING STALL   |
|  | BUILDING NUMBER  |
|  | PROPOSED TRASH ENCLOSURE   |



**DUANE COURT**  
 SUNNYVALE, CALIFORNIA

**VESTING TENTATIVE CONDOMINIUM MAP**  
**DIMENSIONED SITE PLAN**

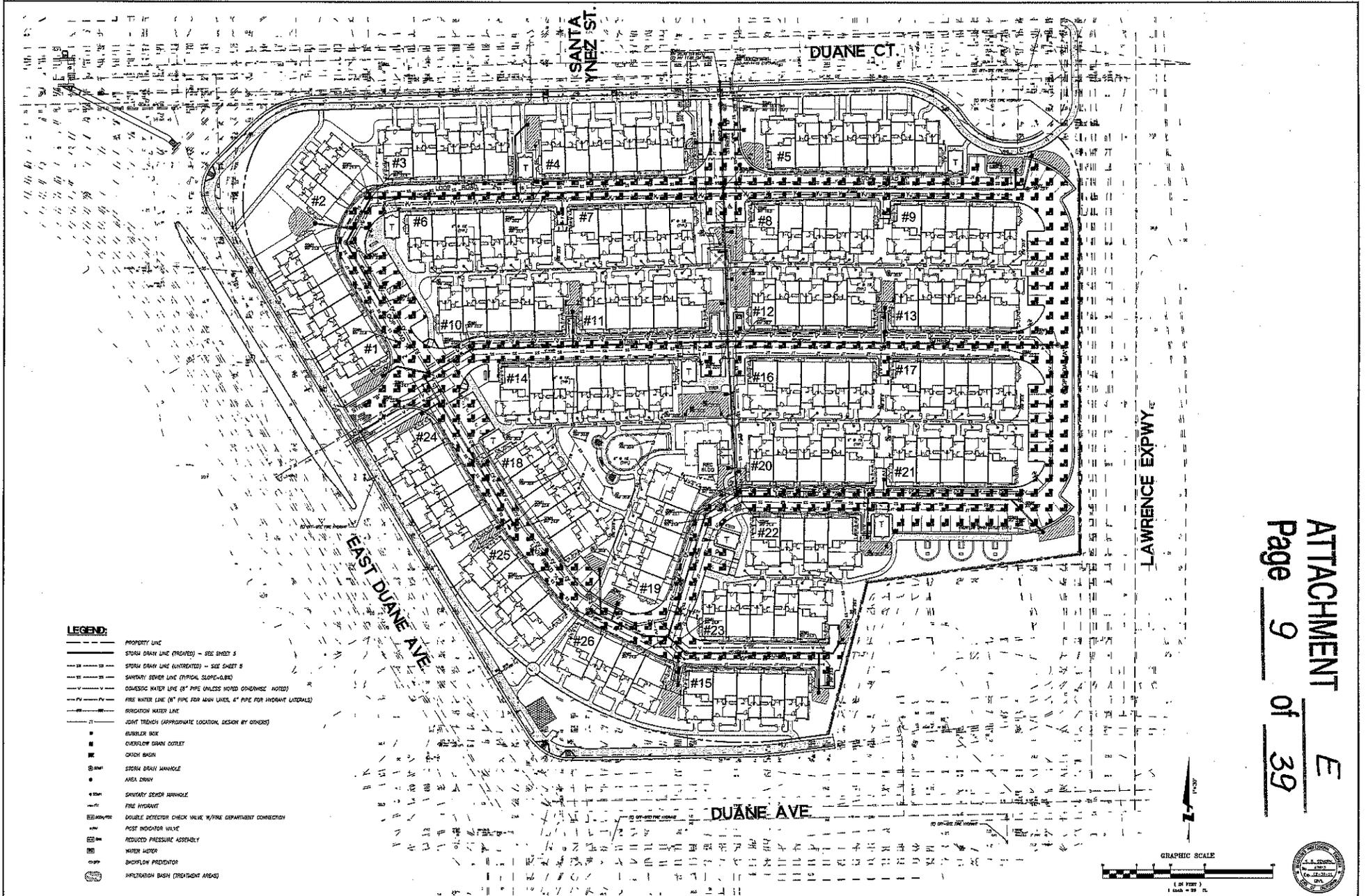
January 19, 2011



1500 TECHNOLOGY DRIVE  
 SUITE 500  
 SAN JOSE, CA 95110  
 408-487-3800  
 408-487-9199 (FAX)

DRAWING NO. **VTM-03**  
 3 OF 8

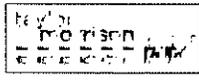




**LEGEND:**

- PROPERTY LINE
- STORM DRAIN LINE (NOTATED) - SEE SHEET 3
- STORM DRAIN LINE (UNNOTATED) - SEE SHEET 3
- SANITARY SEWER LINE (TYPICAL SLOPE-G.85)
- GAS/WATER LINE (8" PIPE UNLESS NOTED OTHERWISE NOTED)
- FIRE WATER LINE (8" PIPE FOR MAIN LINES, 4" PIPE FOR INDRANT LATERALS)
- IRRIGATION WATER LINE
- JOINT TRENCH (APPROPRIATE LOCATION, DESIGN BY OTHERS)
- BULKHEAD BOX
- OVERFLOW DRAIN OUTLET
- CHAIN BASH
- STORM DRAIN MANHOLE
- AREA DRAIN
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- DOUBLE DETECTOR CHECK VALVE W/PNE DEPARTMENT CONNECTION
- POST INDICATOR VALVE
- REDUCED PRESSURE ASSEMBLY
- WATER METER
- BACKFLOW PREVENTOR
- INFILTRATION BASIN (TREATMENT AREAS)

ATTACHMENT E  
 Page 9 of 39



**DUANE COURT**  
 SUNNYVALE, CALIFORNIA

**VESTING TENTATIVE CONDOMINIUM MAP  
 PRELIMINARY UTILITY PLAN**

January 19, 2011



1800 TECHNOLOGY DRIVE  
 SUITE 400  
 SAN JOSE, CA 95110  
 408-440-9100  
 408-447-9199 (FAX)

DRAWING NO.  
**VTM-05**  
 5 OF 8



TABLE A

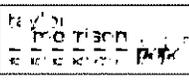
| BIORETENTION CONTROL MEASURE SUMMARY |                            |                      |                          |                               |                             |                             |                           |
|--------------------------------------|----------------------------|----------------------|--------------------------|-------------------------------|-----------------------------|-----------------------------|---------------------------|
| DRAINAGE AREAS                       | DRAINAGE AREA SIZE (ACRES) | IMPERVIOUS RATIO (%) | TYPE OF PERVIOUS SURFACE | TYPE OF IMPERVIOUS SURFACE    | DESIGN VOLUME REQUIRED (CF) | DESIGN VOLUME PROVIDED (CF) | CONFORMS TO SIZE STANDARD |
| A-1                                  | 0.20                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 761                         | 808                         | YES                       |
| A-2                                  | 0.23                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 651                         | 676                         | YES                       |
| A-3                                  | 0.13                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 339                         | 350                         | YES                       |
| A-4                                  | 0.21                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 548                         | 572                         | YES                       |
| A-5                                  | 0.23                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 598                         | 614                         | YES                       |
| A-5(A)                               | 0.31                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 665                         | 680                         | YES                       |
| A-6                                  | 0.51                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 1,091                       | 1,119                       | YES                       |
| A-7                                  | 0.39                       | 85                   | LANDSCAPE                | ROOF SIDEWALK                 | 824                         | 854                         | YES                       |
| A-8                                  | 0.24                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 885                         | 900                         | YES                       |
| A-9                                  | 0.22                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 632                         | 662                         | YES                       |
| A-10                                 | 0.11                       | 80                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 250                         | 260                         | YES                       |
| A-11                                 | 0.24                       | 85                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 625                         | 643                         | YES                       |
| A-12                                 | 0.67                       | 70                   | LANDSCAPE                | ROOF SIDEWALK                 | 1,892                       | 1,752                       | YES                       |
| A-13                                 | 0.15                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 361                         | 411                         | YES                       |
| A-14                                 | 0.15                       | 90                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 431                         | 440                         | YES                       |
| A-15                                 | 0.11                       | 90                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 316                         | 352                         | YES                       |
| A-15(A)                              | 0.08                       | 90                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 234                         | 271                         | YES                       |
| A-16                                 | 0.32                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 920                         | 940                         | YES                       |
| A-17                                 | 0.10                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 288                         | 319                         | YES                       |
| A-18                                 | 0.18                       | 75                   | LANDSCAPE                | ROOF SIDEWALK                 | 389                         | 414                         | YES                       |
| A-18                                 | 0.09                       | 75                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 175                         | 192                         | YES                       |
| A-18(A)                              | 0.09                       | 80                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 212                         | 238                         | YES                       |
| A-20                                 | 0.24                       | 80                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 814                         | 663                         | YES                       |
| A-21                                 | 0.21                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 608                         | 630                         | YES                       |

| SAMPLE CALCULATION SPREADSHEET |                            |                      |                          |                               |                             |                             |                           |  |  |
|--------------------------------|----------------------------|----------------------|--------------------------|-------------------------------|-----------------------------|-----------------------------|---------------------------|--|--|
| DRAINAGE AREA                  | DRAINAGE AREA SIZE (ACRES) | IMPERVIOUS RATIO (%) | TYPE OF PERVIOUS SURFACE | TYPE OF IMPERVIOUS SURFACE    | DESIGN VOLUME REQUIRED (CF) | DESIGN VOLUME PROVIDED (CF) | CONFORMS TO SIZE STANDARD |  |  |
| A-1                            | 0.20                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 761                         | 808                         | YES                       |  |  |
| A-2                            | 0.23                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 651                         | 676                         | YES                       |  |  |
| A-3                            | 0.13                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 339                         | 350                         | YES                       |  |  |
| A-4                            | 0.21                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 548                         | 572                         | YES                       |  |  |
| A-5                            | 0.23                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 598                         | 614                         | YES                       |  |  |
| A-5(A)                         | 0.31                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 665                         | 680                         | YES                       |  |  |
| A-6                            | 0.51                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 1,091                       | 1,119                       | YES                       |  |  |
| A-7                            | 0.39                       | 85                   | LANDSCAPE                | ROOF SIDEWALK                 | 824                         | 854                         | YES                       |  |  |
| A-8                            | 0.24                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 885                         | 900                         | YES                       |  |  |
| A-9                            | 0.22                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 632                         | 662                         | YES                       |  |  |
| A-10                           | 0.11                       | 80                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 250                         | 260                         | YES                       |  |  |
| A-11                           | 0.24                       | 85                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 625                         | 643                         | YES                       |  |  |
| A-12                           | 0.67                       | 70                   | LANDSCAPE                | ROOF SIDEWALK                 | 1,892                       | 1,752                       | YES                       |  |  |
| A-13                           | 0.15                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 361                         | 411                         | YES                       |  |  |
| A-14                           | 0.15                       | 90                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 431                         | 440                         | YES                       |  |  |
| A-15                           | 0.11                       | 90                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 316                         | 352                         | YES                       |  |  |
| A-15(A)                        | 0.08                       | 90                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 234                         | 271                         | YES                       |  |  |
| A-16                           | 0.32                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 920                         | 940                         | YES                       |  |  |
| A-17                           | 0.10                       | 90                   | LANDSCAPE                | ROOF DRIVEWAY/STREET          | 288                         | 319                         | YES                       |  |  |
| A-18                           | 0.18                       | 75                   | LANDSCAPE                | ROOF SIDEWALK                 | 389                         | 414                         | YES                       |  |  |
| A-18                           | 0.09                       | 75                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 175                         | 192                         | YES                       |  |  |
| A-18(A)                        | 0.09                       | 80                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 212                         | 238                         | YES                       |  |  |
| A-20                           | 0.24                       | 80                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 814                         | 663                         | YES                       |  |  |
| A-21                           | 0.21                       | 85                   | LANDSCAPE                | ROOF SIDEWALK DRIVEWAY/STREET | 608                         | 630                         | YES                       |  |  |

SAMPLE CALCULATION SPREADSHEET

TABLE B

| PROJECT IMPACT ON IMPERVIOUS SURFACE   |             |             |
|--|-------------|-------------|
| DESCRIPTION  | EXISTING SF | PROPOSED SF |
| A IMPERVIOUS SURFACE AREA (INCLUDES LAND COVERED BY BUILDINGS, SHEDS, PATIOS/COVERS, PARKING LOTS, STREETS, SIDEWALKS, PAVED WALKWAYS AND DRIVEWAYS) | 284,040     | 246,720     |
| B PERVIOUS AREA (INCLUDES LANDSCAPING, PERVIOUS PAVEMENT, AND NATURAL BUFFER AREAS)  | 34,080      | 71,270      |
| C TOTAL PROJECT AREA (A + B)   | 318,090     | 318,090     |
| D PERCENT IMPERVIOUS (A/C) x 100   | 89.3%       | 77.6%       |
| E PERCENT PERVIOUS (B/C) x 100   | 10.7%       | 22.4%       |
| F IMPERVIOUS CREATED OR ADDED  |             | 0           |
| G IMPERVIOUS AREA REPLACED   |             | 246,720     |
| H ESTIMATED AREA OF LAND DISTURBED DURING CONSTRUCTION (INCLUDES CLEARING, GRADING OR EXCAVATING)  |             | 318,090     |



**DUANE COURT VESTING TENTATIVE CONDOMINIUM MAP**  
**SUNNYVALE, CALIFORNIA PRELIMINARY STORM WATER MANAGEMENT SUMMARY**  
 January 19, 2011

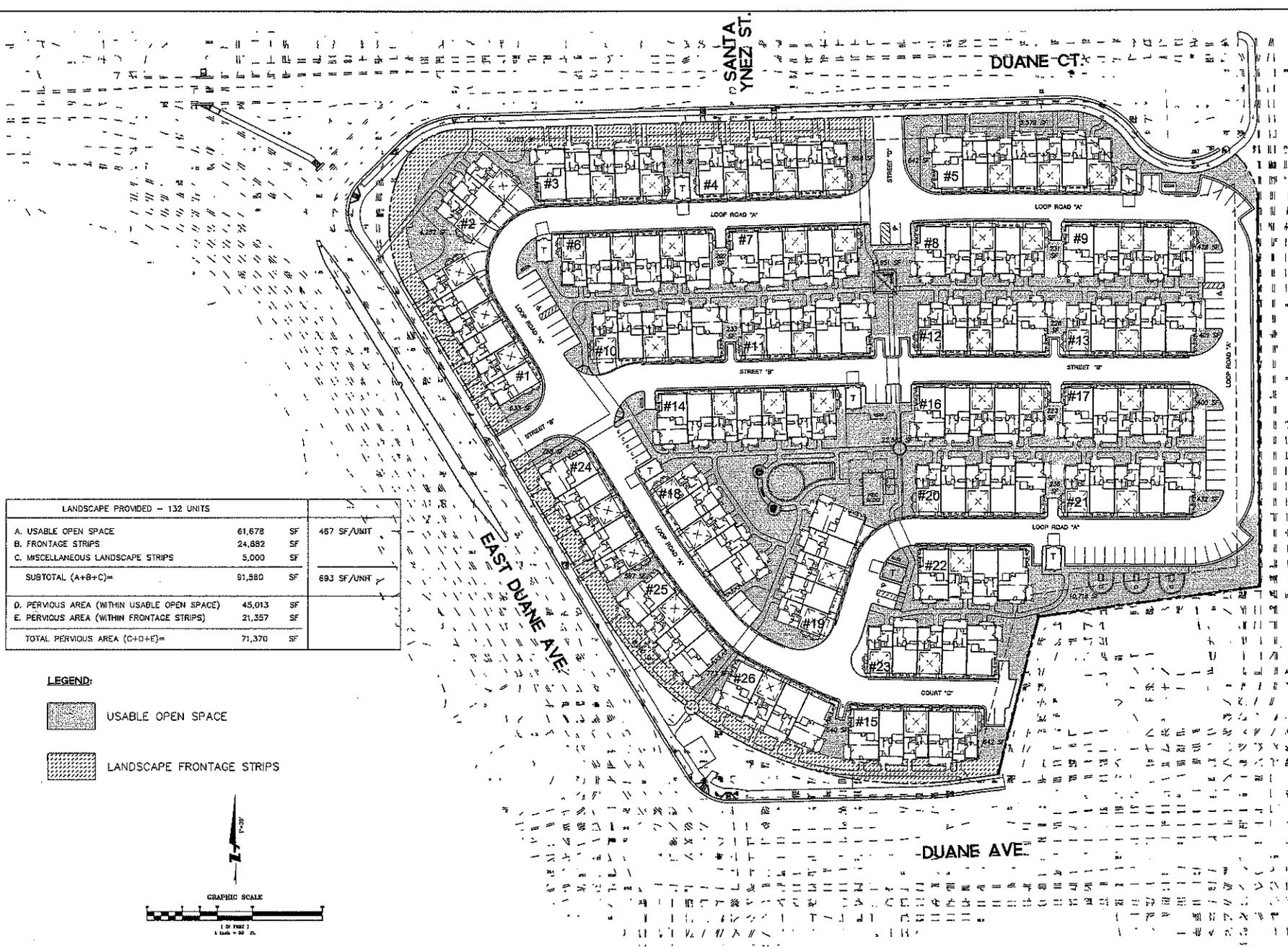


1550 TECHNOLOGY DRIVE  
 SUITE 650  
 SAN JOSE, CA 95110  
 408-457-9100  
 408-457-9199 (FAX)

DRAWING NO.  
**VTM-6.1**  
 7 OF 8

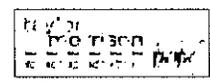
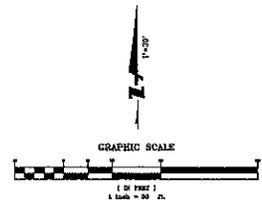
ATTACHMENT E  
 Page 11 of 39

LAWRENCE EXPWY.



| LANDSCAPE PROVIDED - 132 UNITS              |               |           |                    |
|---|---------------|-----------|--------------------|
| A. USABLE OPEN SPACE                        | 61,678        | SF        | 467 SF/UNIT        |
| B. FRONTAGE STRIPS                          | 24,882        | SF        |                    |
| C. MISCELLANEOUS LANDSCAPE STRIPS           | 5,000         | SF        |                    |
| <b>SUBTOTAL (A+B+C)=</b>                    | <b>91,560</b> | <b>SF</b> | <b>693 SF/UNIT</b> |
| D. PERVIOUS AREA (WITHIN USABLE OPEN SPACE) | 45,013        | SF        |                    |
| E. PERVIOUS AREA (WITHIN FRONTAGE STRIPS)   | 21,357        | SF        |                    |
| <b>TOTAL PERVIOUS AREA (C+D+E)=</b>         | <b>71,370</b> | <b>SF</b> |                    |

- LEGEND:**
-  USABLE OPEN SPACE
  -  LANDSCAPE FRONTAGE STRIPS



**DUANE COURT**  
SUNNYVALE, CALIFORNIA

**VESTING TENTATIVE CONDOMINIUM MAP**  
**OPEN SPACE EXHIBIT**

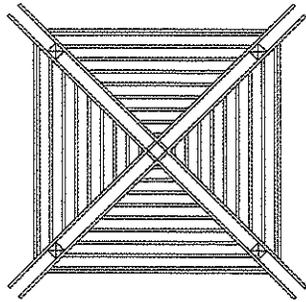
January 19, 2011



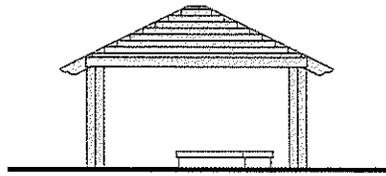
1600 TECHNOLOGY DRIVE  
SUITE 400  
SAN JOSE, CA 95116  
408-457-8100  
408-457-9193 (fax)

DRAWING NO.  
**VTM-07**  
8 OF 8

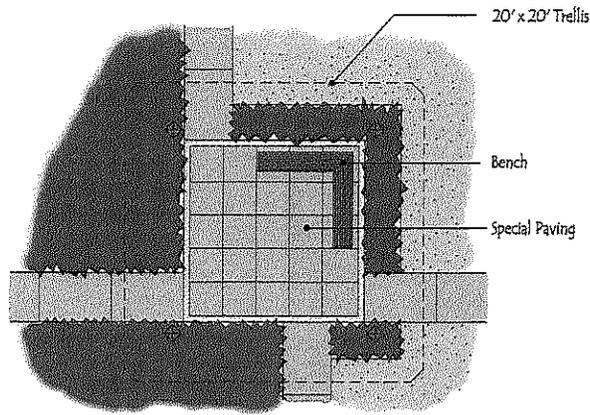




Trellis Roof Plan

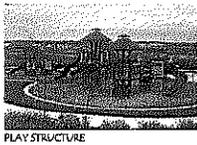


Trellis Elevation

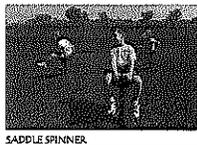


Trellis Site Plan

TRELLIS PLAN AND ELEVATION  
SCALE: 1/4"=1'-0"



PLAY STRUCTURE



SADDLE SPINNER



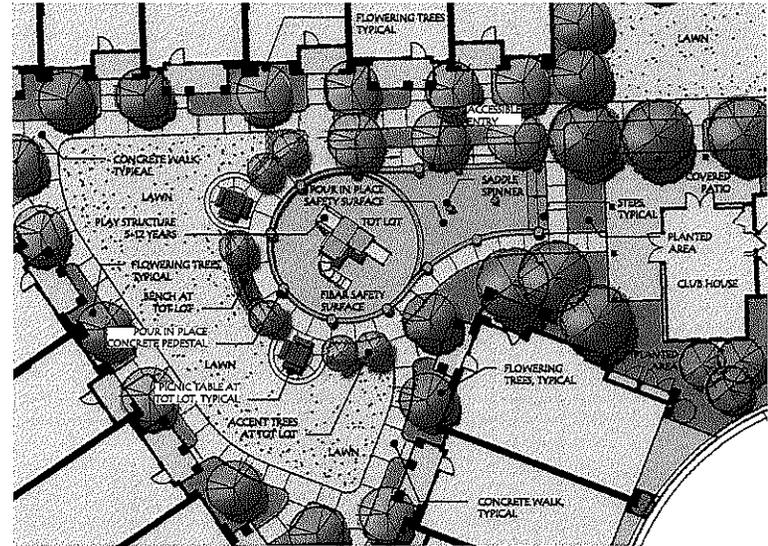
FLOWERING PEAR



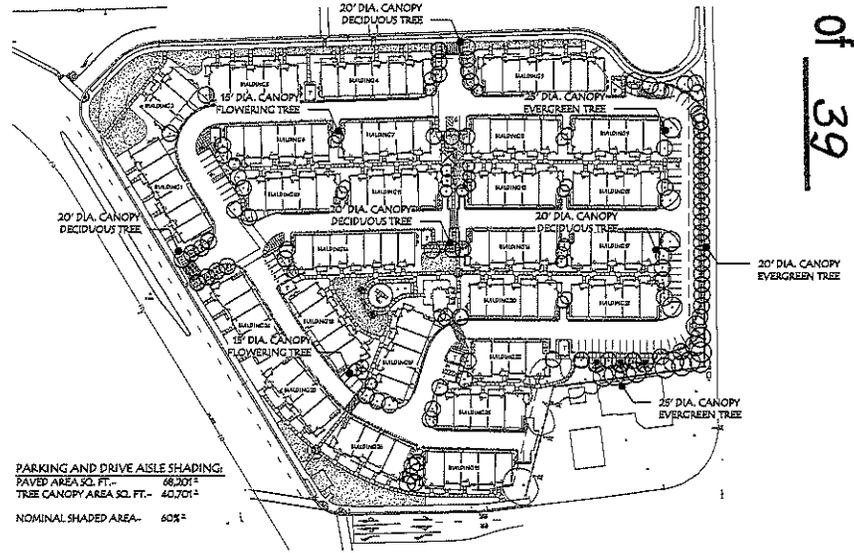
PURPLE LEAF PLUM



CHINESE PISTACHE



CLUB HOUSE AND TOT LOT PLAN  
SCALE: 1"=40'



TREE DISTRIBUTION AND SHADING @ PARKING AREAS  
SCALE: 1"=60'

DETAIL PLANS AND ELEVATIONS



SCALE AS SHOWN

L-2

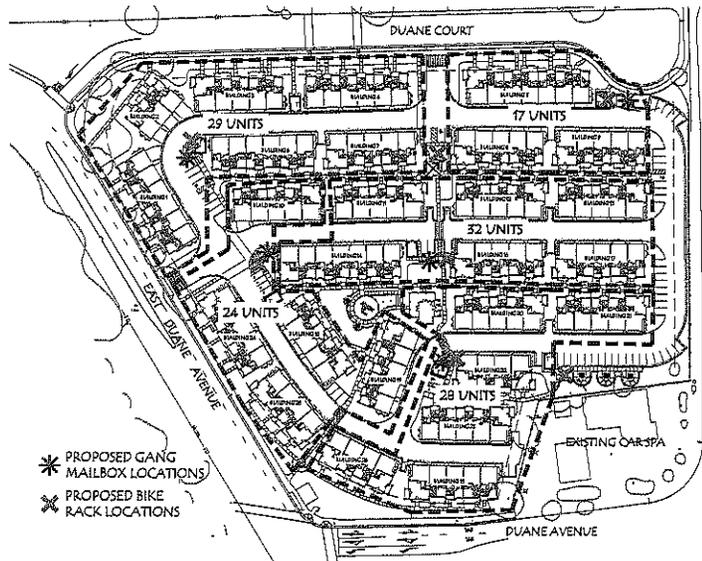
taylor morrison  
Homes Inspired by You

DUANE COURT  
SUNNYVALE, CALIFORNIA

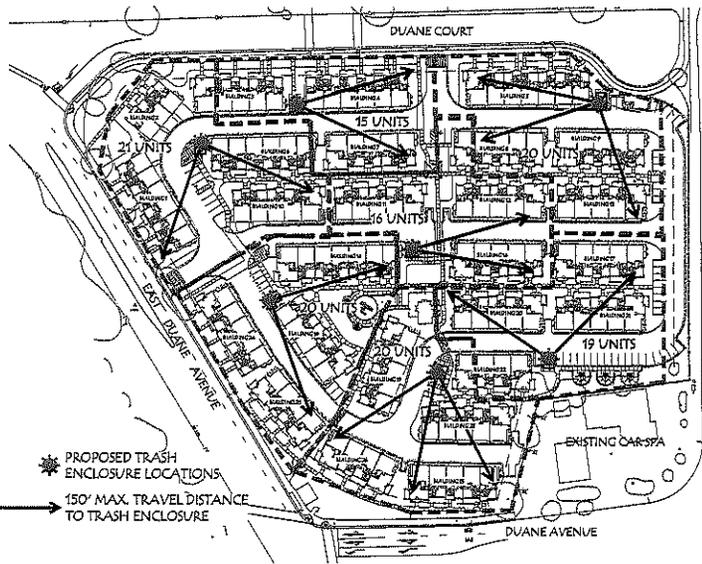
January 19, 2011

RANDALL PLANNING & DESIGN INC.  
Landscape Architecture \* Golf Facilities  
Site and Environmental Planning  
1475 N. Broadway Suite 200  
Walnut Creek, California 94594  
Office: (925) 944-0002  
Fax: (925) 944-0000

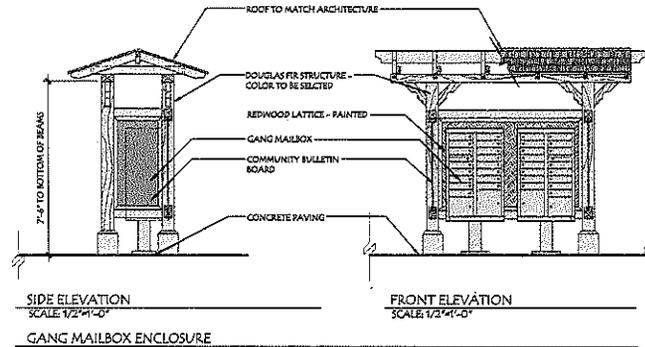




MAILBOX AND BIKERACK DISTRIBUTION PLAN  
SCALE: 1/4"=60'

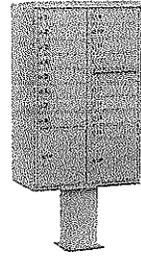


TRASH ENCLOSURE DISTRIBUTION PLAN  
SCALE: 1/4"=60'

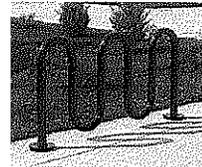


MAILBOX DISTRIBUTION

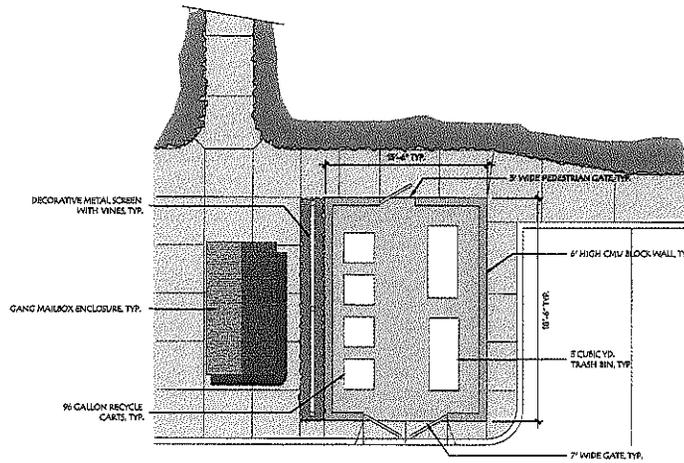
| BUILDING #     | MAILBOX TYPES           |
|----------------|-------------------------|
| 1-4,7          | (2) 16 DOOR             |
| 5,8,9          | (1) 12 DOOR, (1) 8 DOOR |
| 11-14, 16,17   | (2) 16 DOOR             |
| 15,20-28,26    | (2) 16 DOOR             |
| 10,18-19,24-25 | (2) 12 DOOR             |



MANUFACTURER: MAILBOX.COM  
COLOR: SANDSTONE  
MODELS: 808 WITH 888 PEDISTAL (8-DOOR)  
882 WITH 888 PEDISTAL (12-DOOR)  
886 WITH 888 PEDISTAL (16-DOOR)  
AVAILABLE: MAILBOX.COM, 1-800-MAILBOX  
GANG MAILBOX

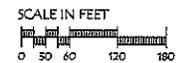


MANUFACTURER: PUMON, INC.  
COLOR: BLACK  
MODELS: 828-20 2 SPACE BIKE RACK  
AVAILABLE RESS RECREATION EQUIPMENT  
7077 826-4800  
BIKE RACK



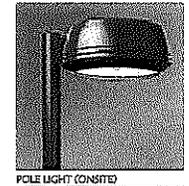
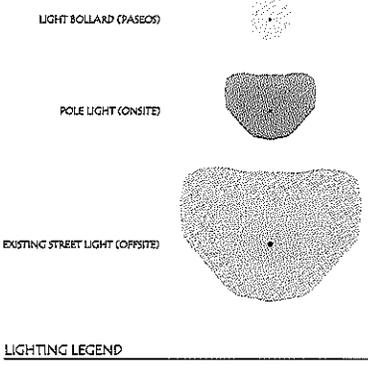
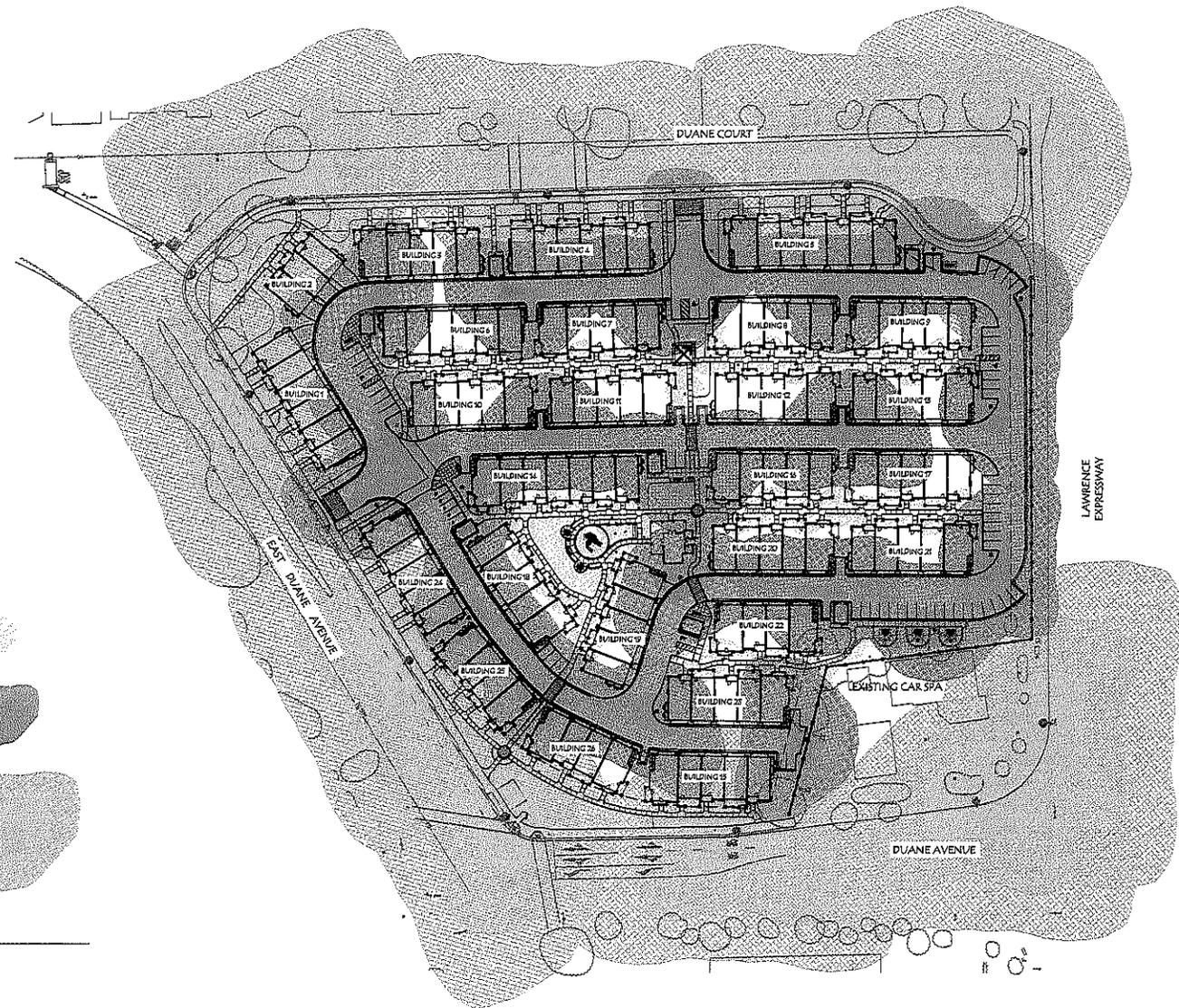
ATTACHMENT E  
Page 15 of 39

MAILBOX AND TRASH LOCATION PLAN



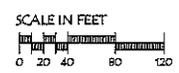
L-3





# SITE LIGHTING PLAN

DUANE COURT  
 SUNNYVALE, CALIFORNIA



L-4

taylor morrison  
 Homes Inspired by You

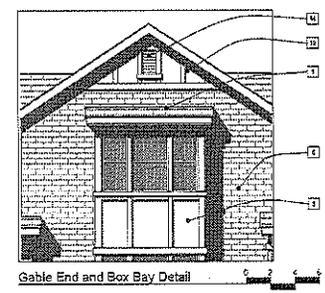
January 19, 2011

RANDALL PLANNING & DESIGN INC.  
 Landscape Architecture \* Golf Facilities  
 Site and Environmental Planning  
 1475 N. Broadway Suite 200  
 Walnut Creek, California 94596  
 Office: (925) 934-4000  
 Fax: (925) 934-4000

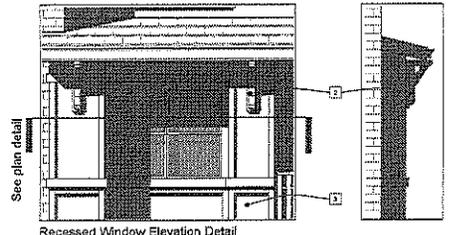


**Material Legend**

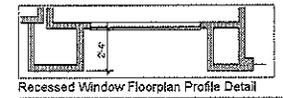
- 1 Composition Roof Shingle
- 2 Brackets/Kicker
- 3 Smooth fiber-cement panel and trim
- 4 Stucco
- 5 Brick Veneer
- 6 Metal Sectional Garage Doors
- 7 Guardrail
- 8 Porch w/ Trimmed Columns
- 9 Precast Concrete Cap
- 10 Board and Batten Gable End Element
- 11 Low Eyebrow Roof on Brackets with Kickers
- 12 Gable End Louver Vent



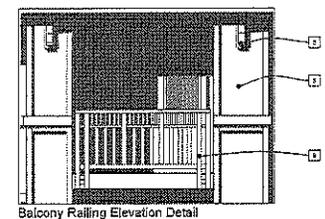
Gable End and Box Bay Detail



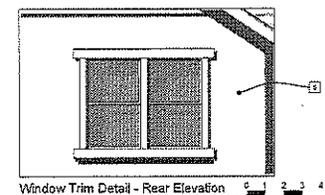
Recessed Window Elevation Detail



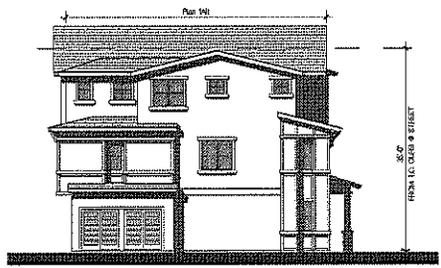
Recessed Window Floorplan Profile Detail



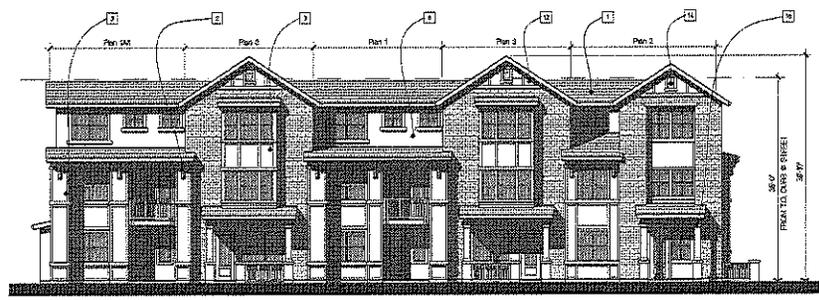
Balcony Railing Elevation Detail



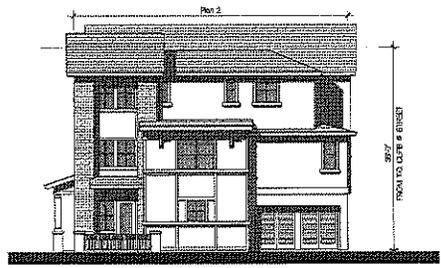
Window Trim Detail - Rear Elevation



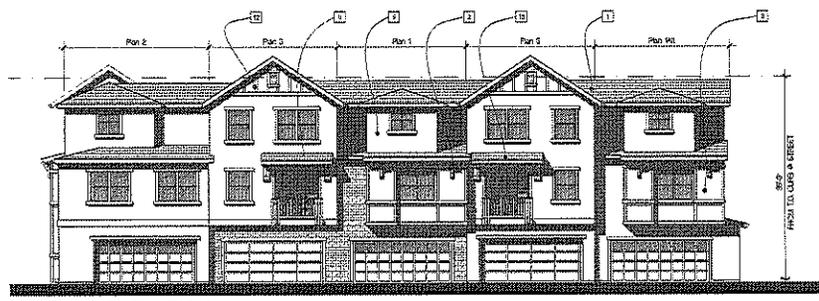
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

Scheme "A"  
5-Plex Building



A.1

ELEVATION STYLE A - "ARTS AND CRAFTS"

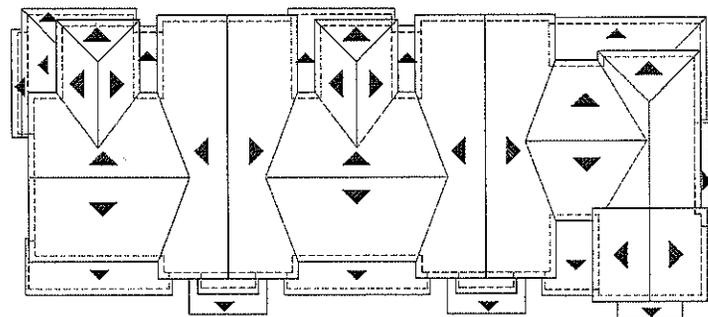
**DUANE COURT**  
SUNNYVALE, CALIFORNIA

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No. 20100062  
January 19, 2011

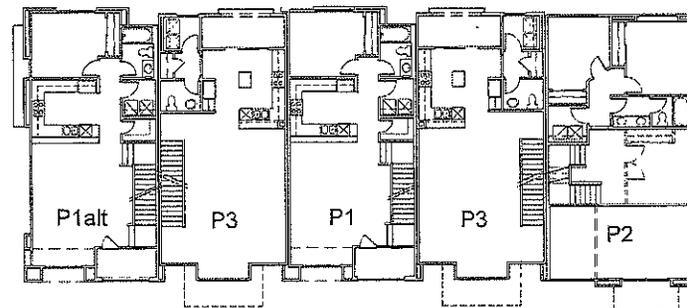
Architecture + Planning  
283 4th Street Third Floor  
Oakland, California 94607  
ktgy.com  
610.272.2910 Main  
610.292.2911 Fax



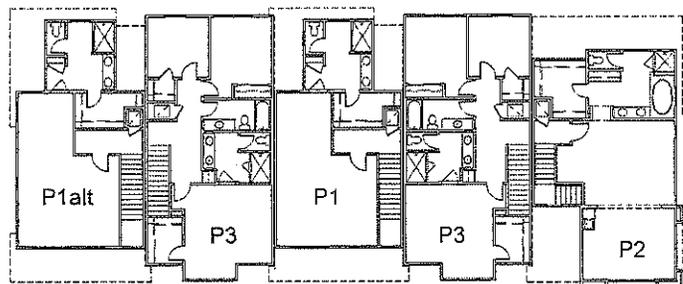


No Roof Mounted Equipment

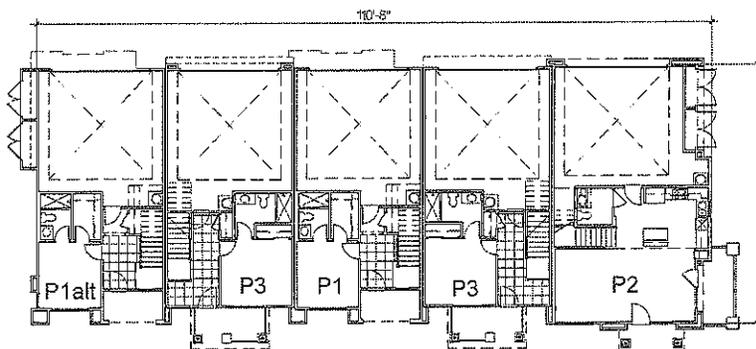
ROOF PLAN



SECOND LEVEL

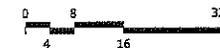


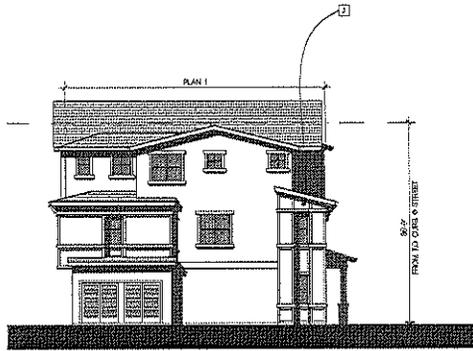
THIRD LEVEL



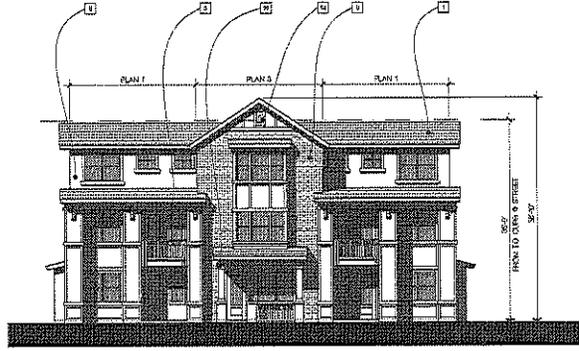
GROUND LEVEL

Scheme "A"  
5-Plex Building Composite Plans





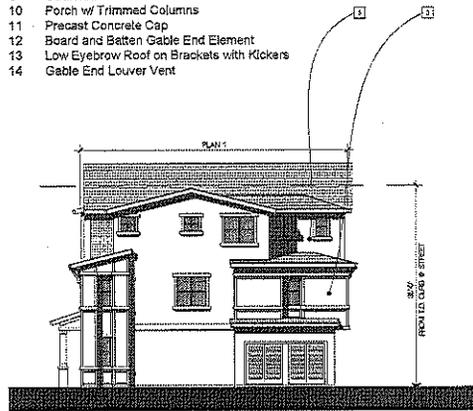
LEFT ELEVATION



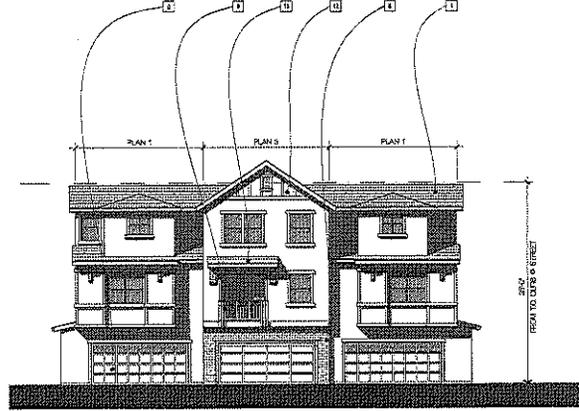
FRONT ELEVATION

Material Legend

- 1 Composition Roof Shingle
- 2 Bracket/Kicker
- 3 Smooth fiber-cement panel and trim
- 5 Stucco
- 6 Brick Veneer
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Porch w/ Trimmed Columns
- 11 Precast Concrete Cap
- 12 Board and Batten Gable End Element
- 13 Low Eyebrow Roof on Brackets with Kickers
- 14 Gable End Louver Vent



RIGHT ELEVATION

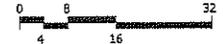


REAR ELEVATION

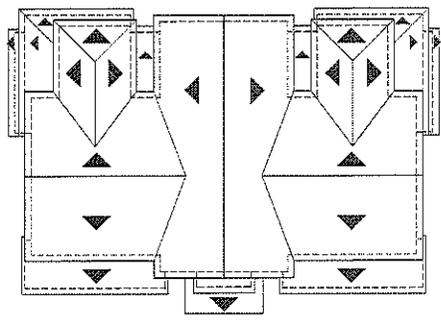
ATTACHMENT  
Page 19 of 39 E

ELEVATION STYLE A - "ARTS AND CRAFTS"

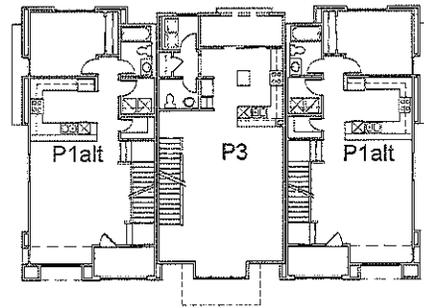
Scheme "A"  
3-Plex Building



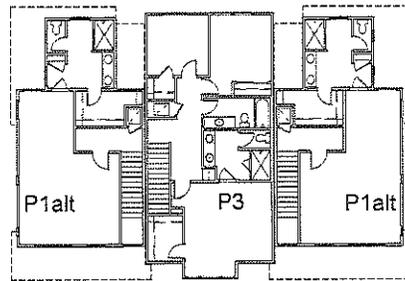
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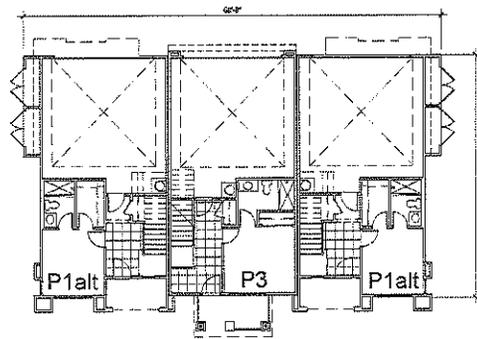
No Roof Mounted Equipment ROOF PLAN



SECOND LEVEL



THIRD LEVEL

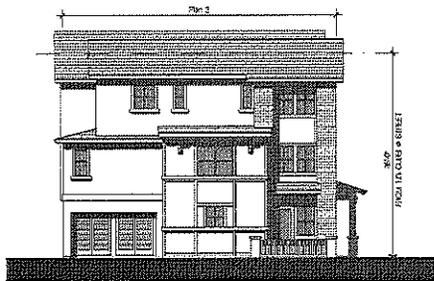


GROUND LEVEL

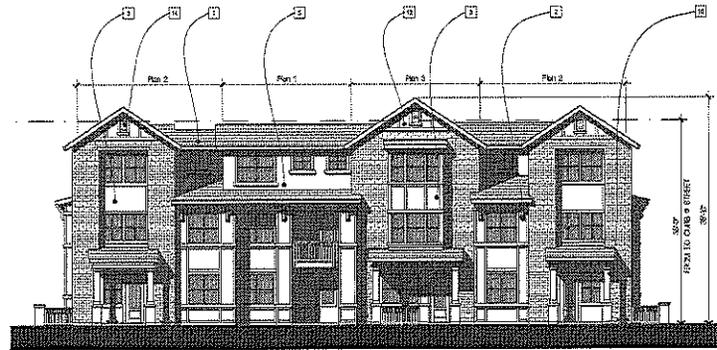
Scheme "A"  
 3-Plex Building Composite Plans



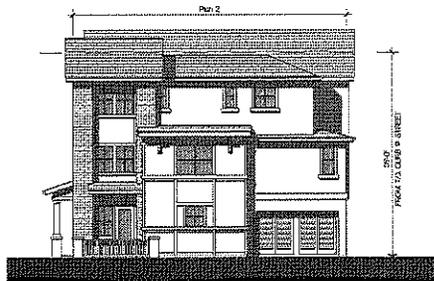
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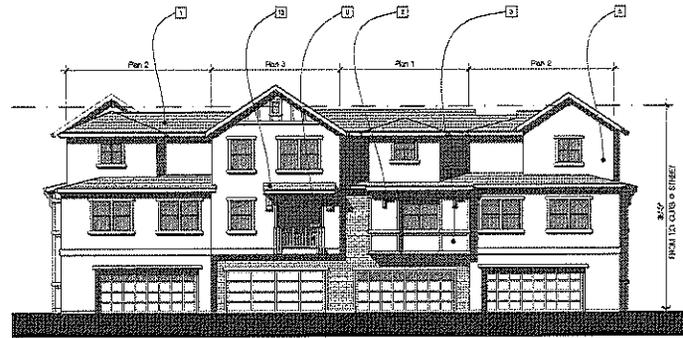
LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

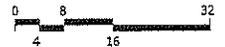


ELEVATION STYLE 'A'

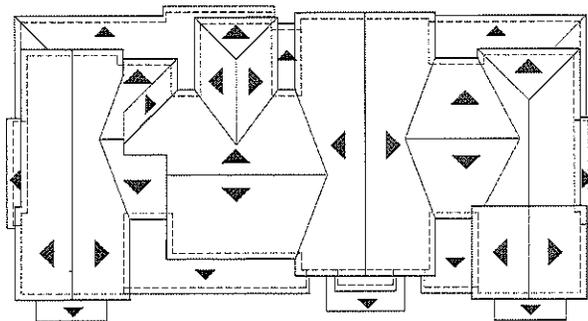
Material Legend

- 1 Composition Roof Shingle
- 2 Bracket/kicker
- 3 Smooth fiber-cement panel and trim
- 8 Stucco
- 6 Brick Veneer
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Porch w/ Trimmed Columns
- 11 Precast Concrete Cap
- 12 Board and Batten Gable End Element
- 13 Low Eyebrow Roof on Brackets with Kickers
- 14 Gable End Louver Vent

Scheme "A"  
4-Plex Building

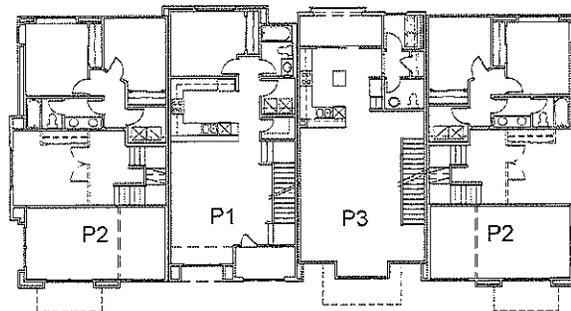


A.5

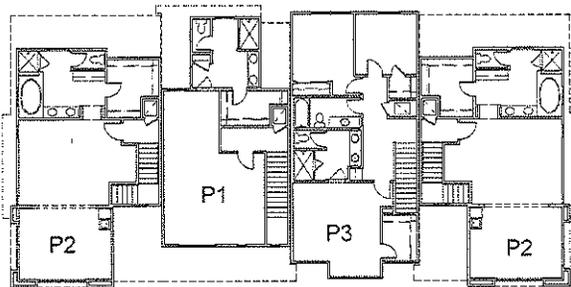


No Roof Mounted Equipment

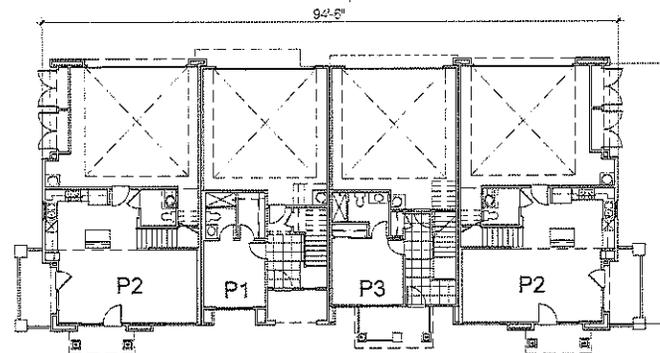
ROOF PLAN



SECOND LEVEL



THIRD LEVEL



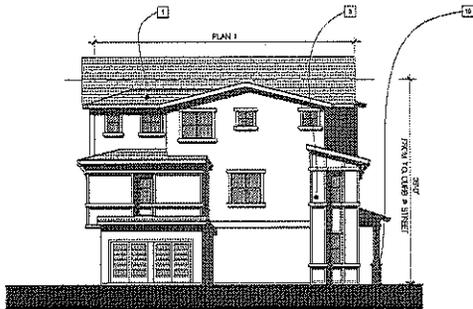
GROUND LEVEL

ATTACHMENT  
Page 22 of 39

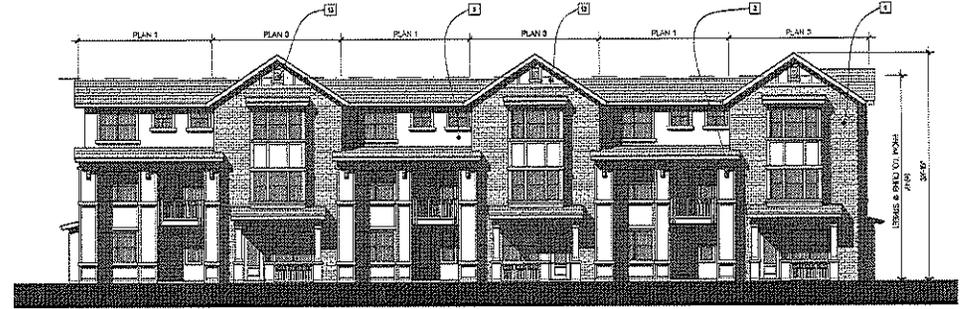
A.6

Scheme "A"  
4-Plex Building Composite Plans





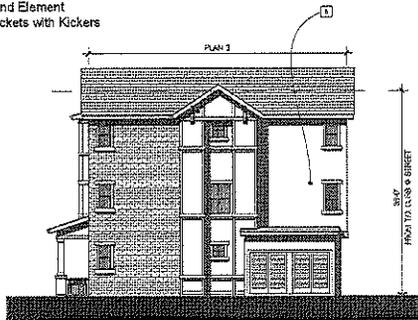
LEFT ELEVATION



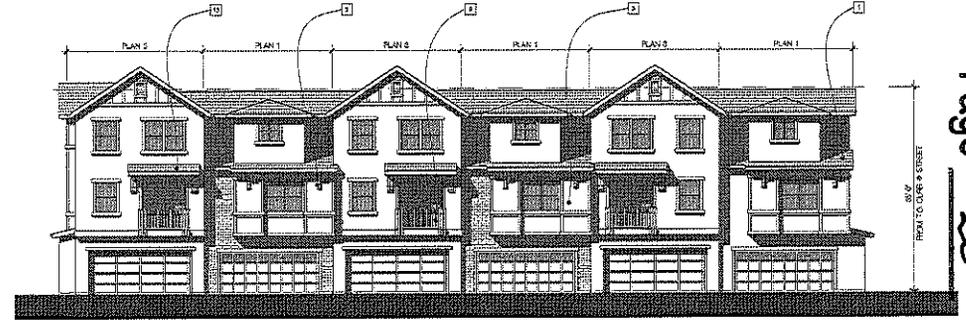
FRONT ELEVATION

Material Legend

- 1 Composition Roof Shingle
- 2 Bracket/kicker
- 3 Smooth fiber-cement panel and trim
- 6 Stucco
- 8 Brick Veneer
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Porch w/ Trimmed Columns
- 11 Precast Concrete Cap
- 12 Board and Batten Gable End Element
- 13 Low Eyebrow Roof on Brackets with Kickers
- 14 Gable End Louver Vent



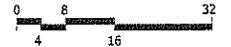
RIGHT ELEVATION

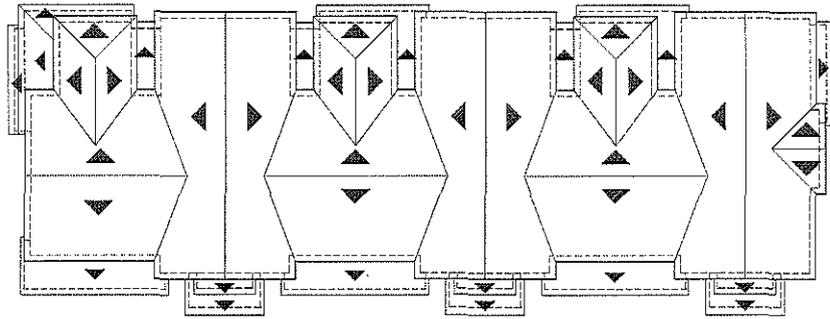


REAR ELEVATION

ELEVATION STYLE A - "ARTS AND CRAFTS"

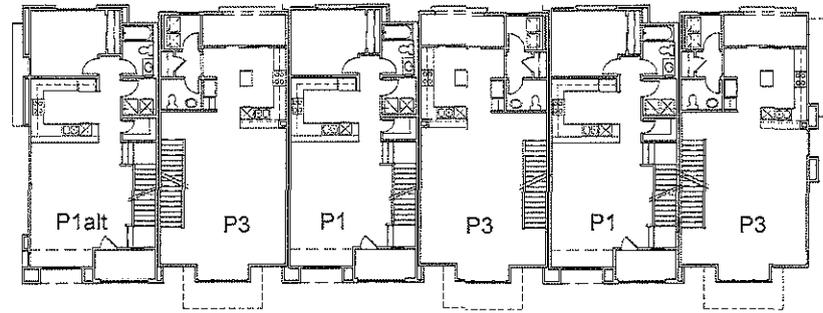
Scheme "A"  
6-Plex Building



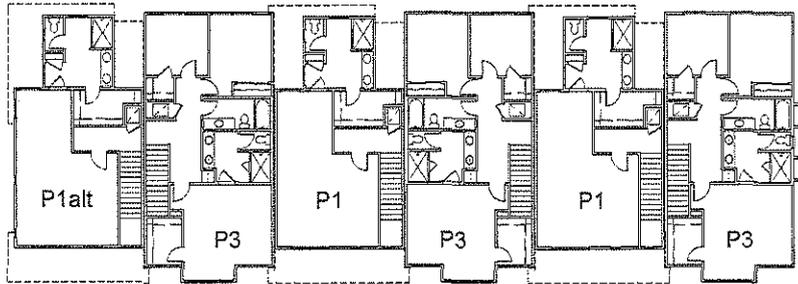


No Roof Mounted Equipment

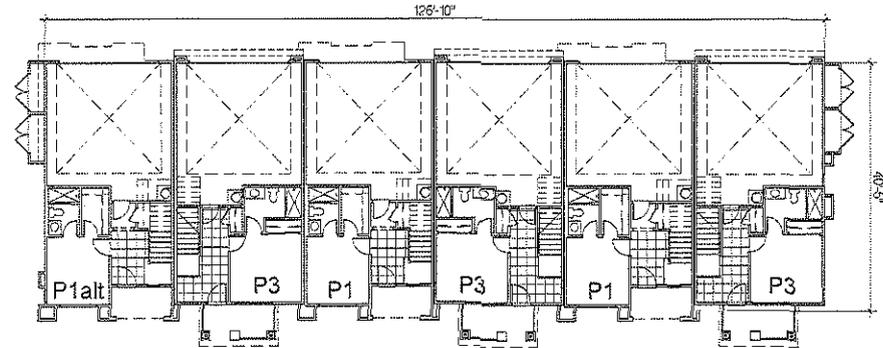
ROOF PLAN



SECOND LEVEL

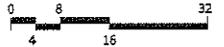


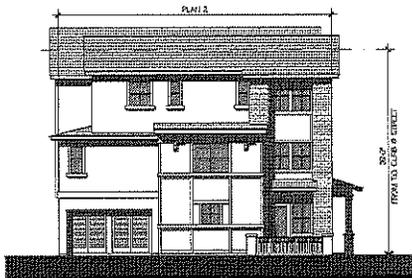
THIRD LEVEL



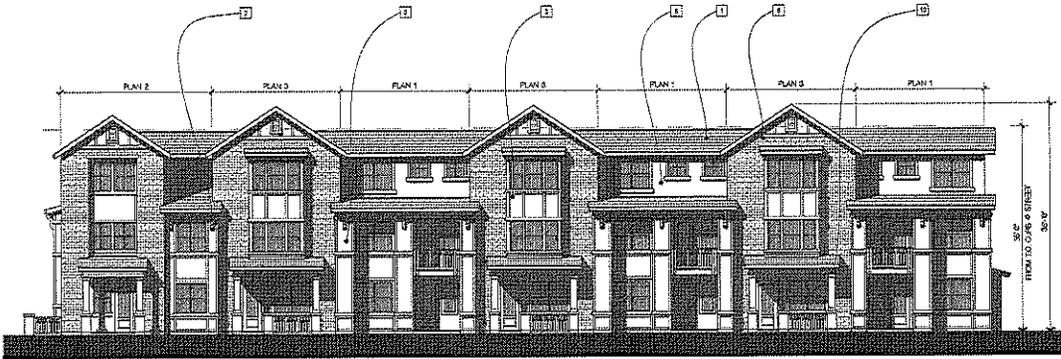
GROUND LEVEL

Scheme "A"  
6-Plex Building Composite Plans





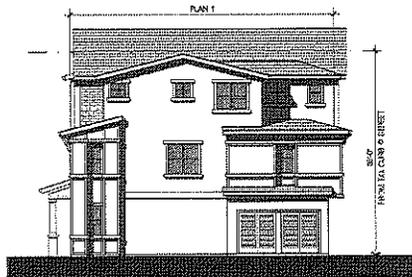
LEFT ELEVATION



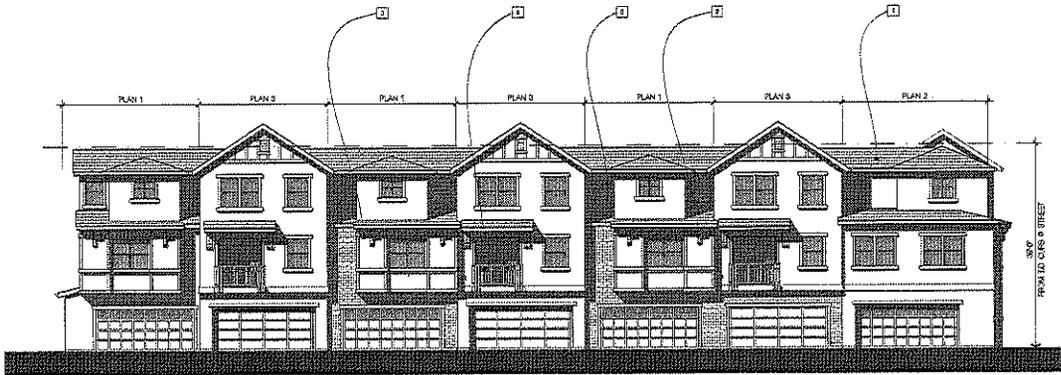
FRONT ELEVATION

Material Legend

- 1 Composition Roof Shingle
- 2 Metal Bracket/Kicker
- 3 Smooth fiber-cement panel and trim
- 4 Stucco
- 5 Brick Veneer
- 6 Metal Sectional Garage Doors
- 7 Guardrail
- 8 Porch w/ Trimmed Columns
- 9 Precast Concrete Cap



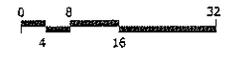
RIGHT ELEVATION



REAR ELEVATION

ATTACHMENT E  
 Page 25 of 39  
 A.9

Scheme "A"  
7-Plex Building



ELEVATION STYLE A - "ARTS AND CRAFTS"

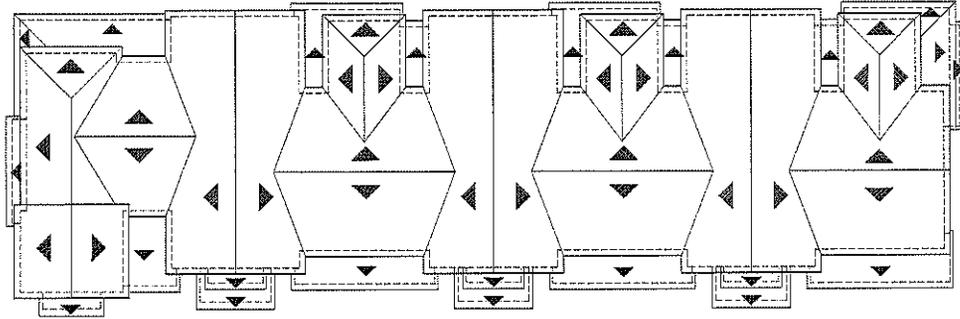
**DUANE COURT**  
SUNNYVALE, CALIFORNIA

taylor morrison  
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No. 20100062  
January 19, 2011

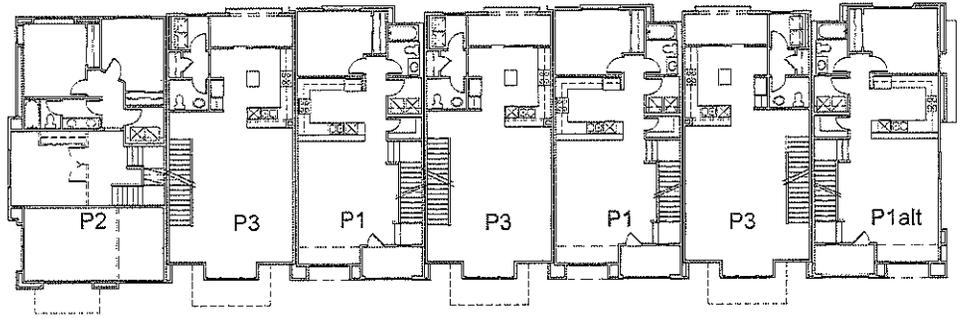
Architecture + Planning  
283 4th Street Third Floor  
Oakland, California 94607  
ktpy.com  
510.272.2910 Main  
510.292.2911 Fax



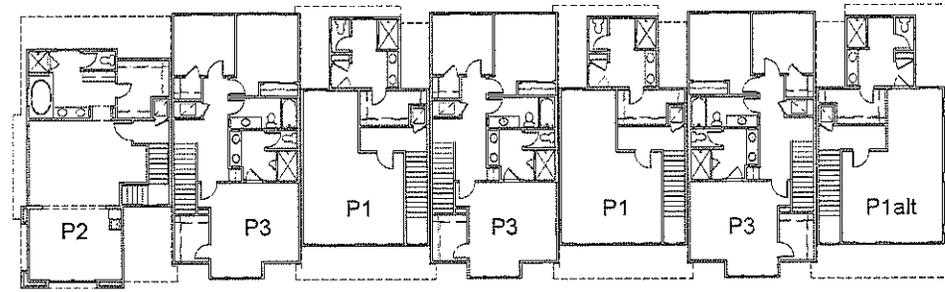


No Roof Mounted Equipment

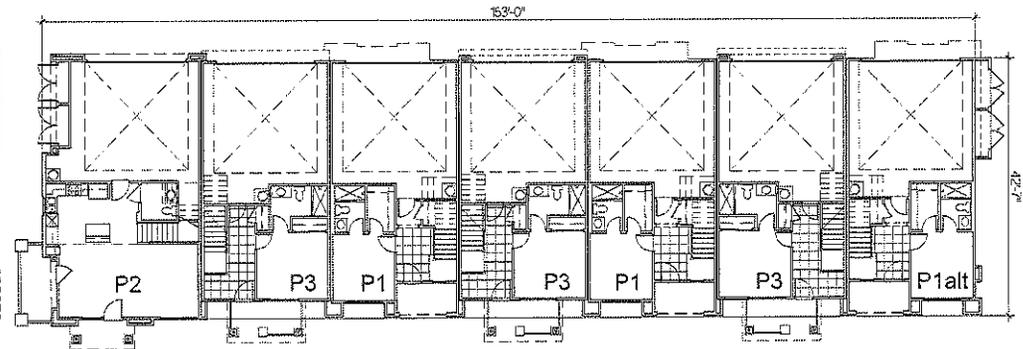
ROOF PLAN



SECOND LEVEL



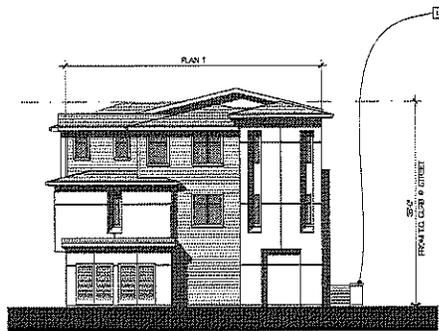
THIRD LEVEL



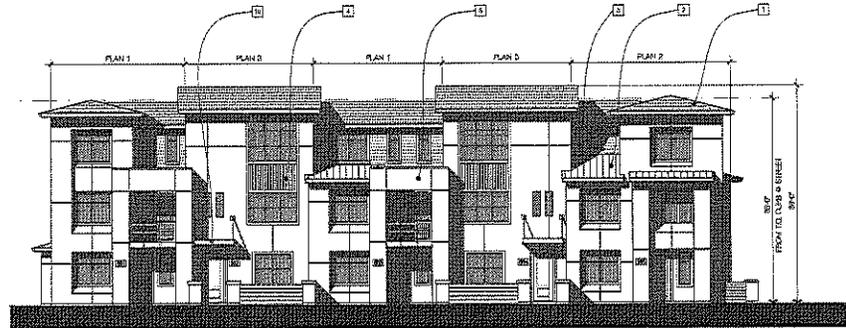
GROUND LEVEL

ATTACHMENT  
 Page 26 of 39

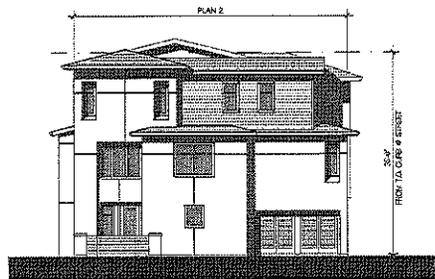
A.10  
 Scheme "A"  
 7-Plex Building Composite Plans



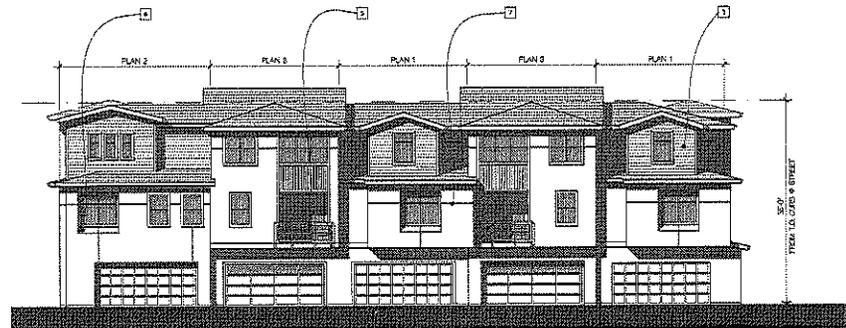
LEFT ELEVATION



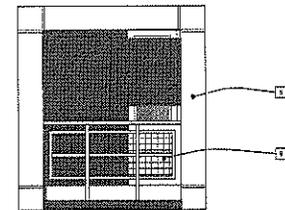
FRONT ELEVATION



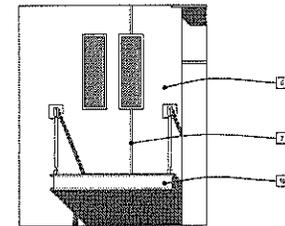
RIGHT ELEVATION



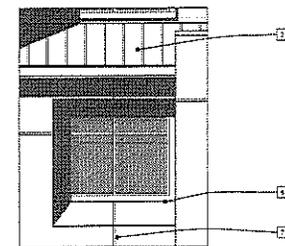
REAR ELEVATION



Balcony Railing Detail



Entry Awning Detail



Window Recess Detail

Material Legend

- 1 Composition Roof Shingle
- 2 Metal Roof
- 3 Fiber-Cement Siding
- 4 Smooth fiber-cement panel with trim spandrel panel
- 5 Stucco
- 6 Stucco Recess with Sloped Sill
- 7 1-1/2" Wide Aluminum Stucco Reveal
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Metal Awning
- 11 Precast Concrete Cap

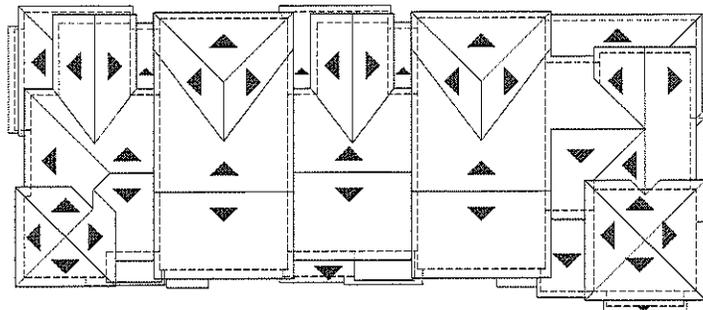
ATTACHMENT E  
Page 24 of 39

ELEVATION STYLE B - "MODERN ROWHOUSE"

Scheme "B"  
5-Plex Building

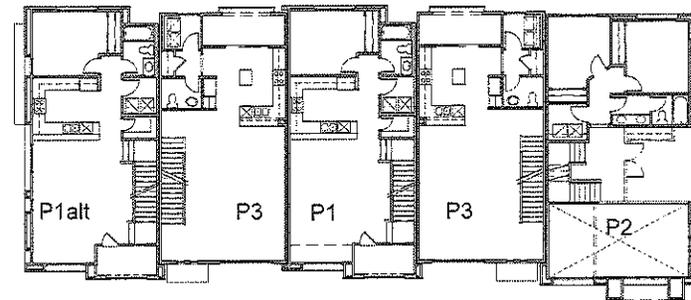
A.11



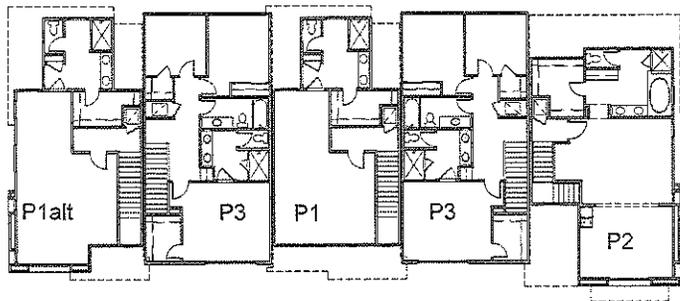


No Roof Mounted Equipment

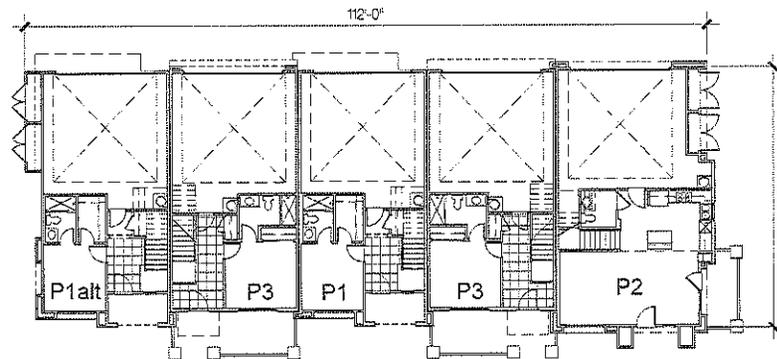
ROOF PLAN



SECOND LEVEL



THIRD LEVEL

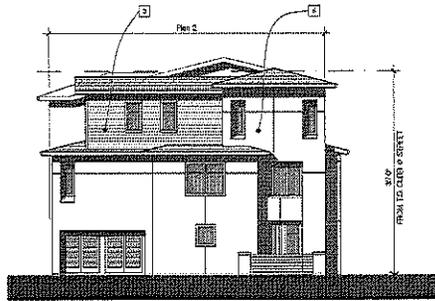


GROUND LEVEL

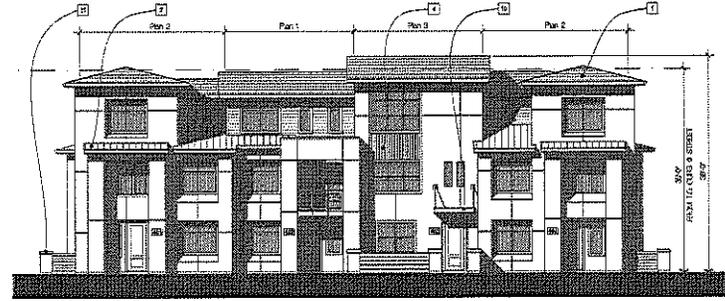
Scheme "B"  
 5-Plex Building Composite Plans

A.12





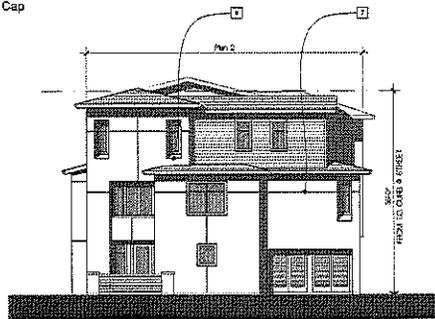
LEFT ELEVATION



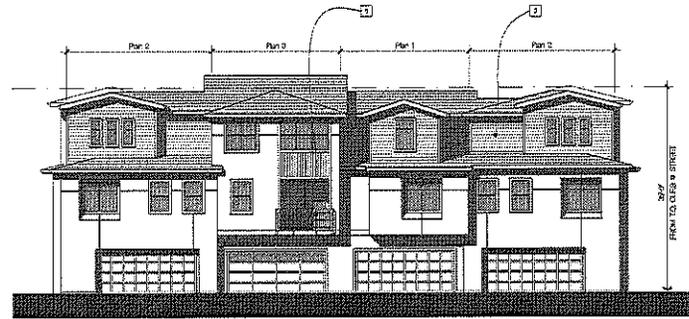
FRONT ELEVATION

Material Legend

- 1 Composition Roof Shingle
- 2 Metal Roof
- 3 Fiber-Cement Siding
- 4 Smooth fiber-cement panel with trim spandrel panel
- 5 Stucco
- 6 Stucco Recess with Sloped Sill
- 7 1-1/2" Wide Aluminum Stucco Reveal
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Metal Awning
- 11 Precast Concrete Cap



RIGHT ELEVATION



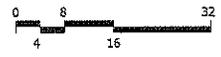
REAR ELEVATION

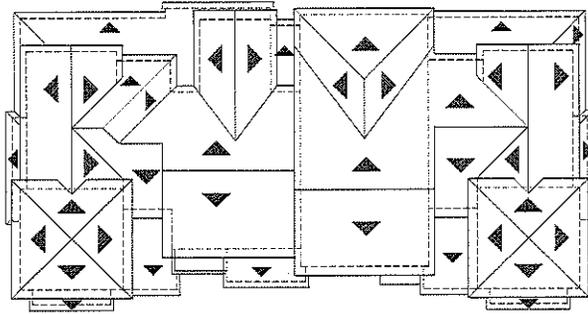
ELEVATION STYLE 'B'

ATTACHMENT E  
Page 29 of 39

A.13

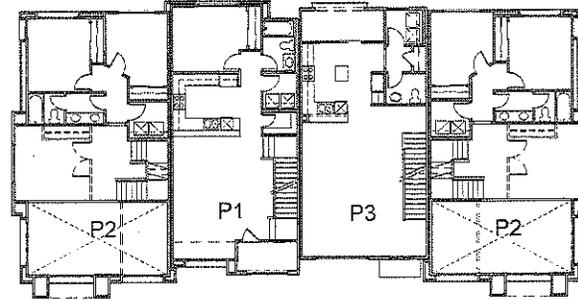
Scheme "B"  
4-Plex Building



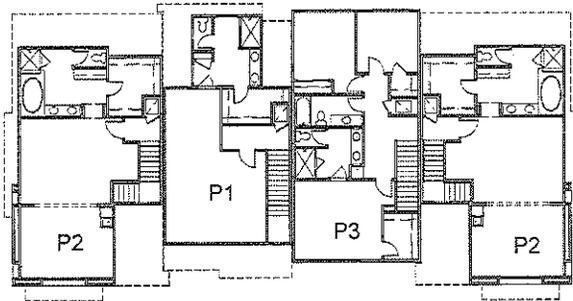


No Roof Mounted Equipment

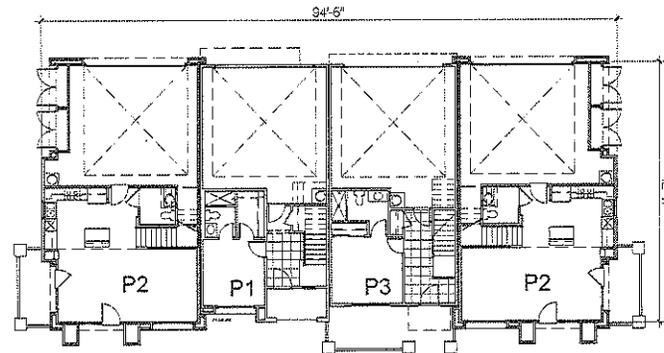
ROOF PLAN



SECOND LEVEL



THIRD LEVEL

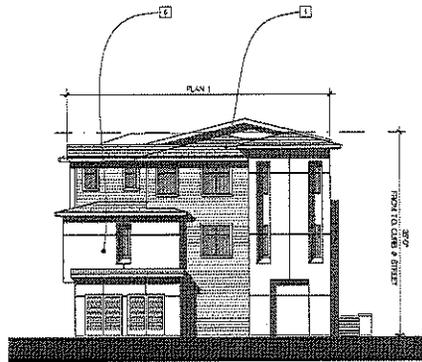


GROUND LEVEL

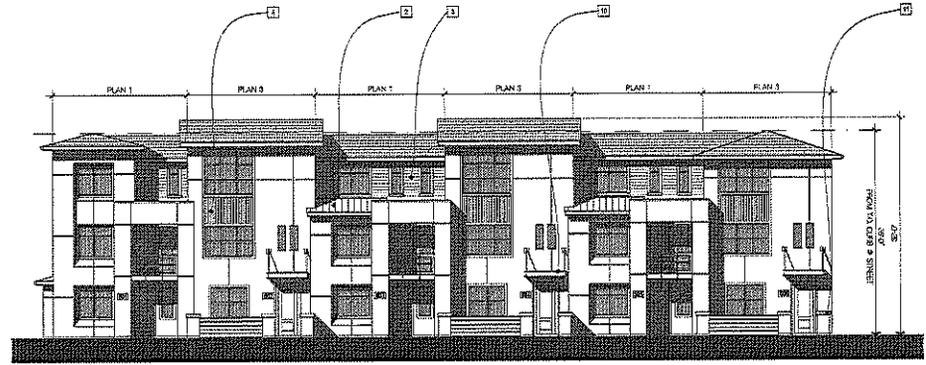
A.14

Scheme "B"  
4-Plex Building Composite Plans





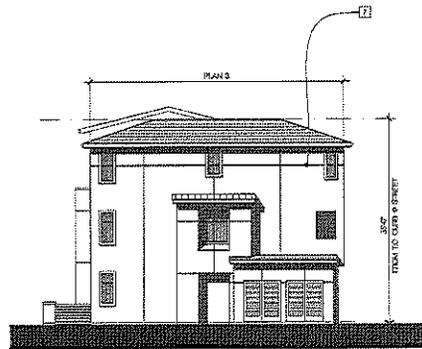
LEFT ELEVATION



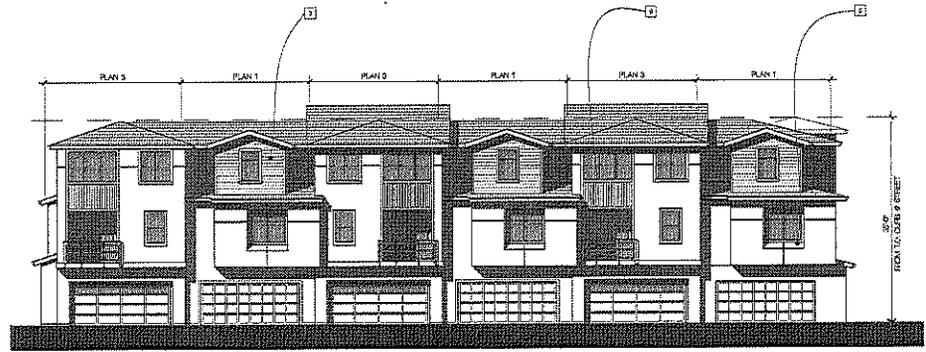
FRONT ELEVATION

Material Legend

- 1 Composition Roof Shingle
- 2 Metal Roof
- 3 Fiber-Cement Siding
- 4 Smooth fiber-cement panel with trim spandrel panel
- 5 Stucco
- 6 Stucco Recess with Sloped Sill
- 7 1-1/2" Wide Aluminum Stucco Reveal
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Metal Awning
- 11 Precast Concrete Cap



RIGHT ELEVATION



REAR ELEVATION

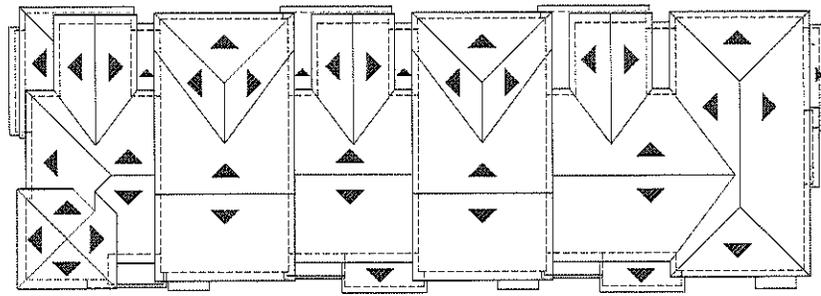
ELEVATION STYLE 'B'

ATTACHMENT E  
Page 31 of 39

A.15

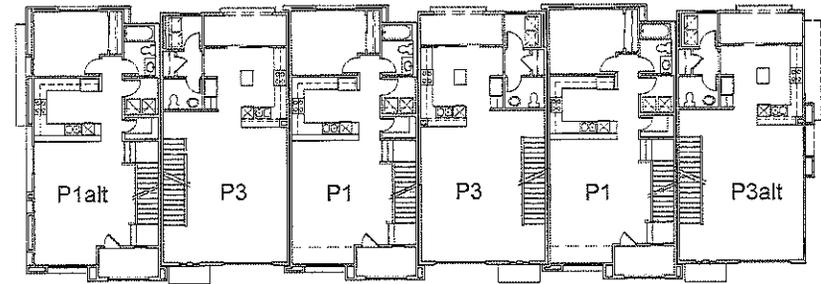
Scheme "B"  
6-Plex Building



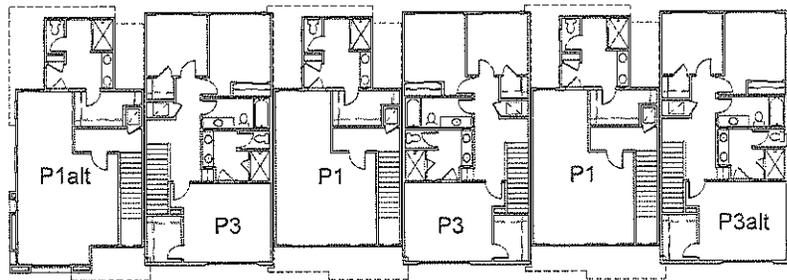


No Roof Mounted Equipment

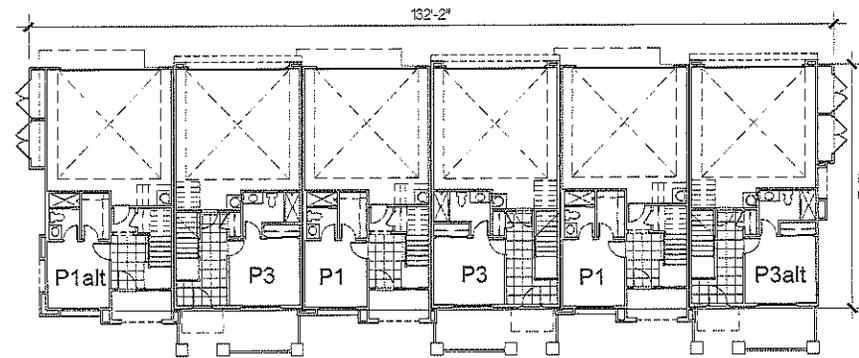
ROOF PLAN



SECOND D LEVEL



THIRD LEVEL



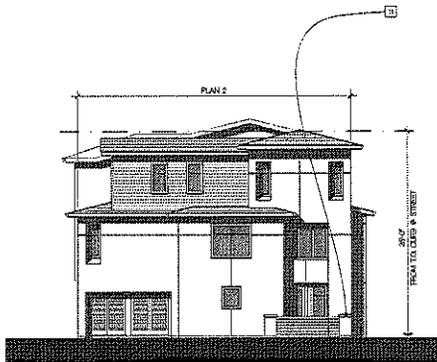
GROUND LEVEL

ATTACHMENT E  
Page 32 of 39

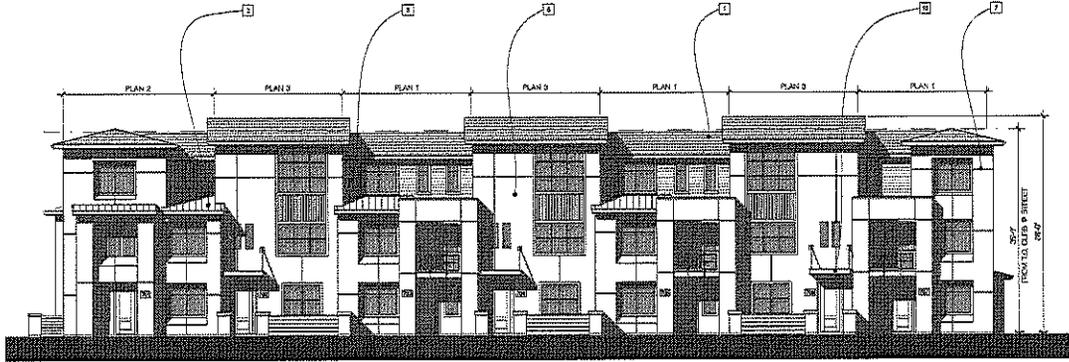
A.16

Scheme "B"  
6-Plex Building Composite Plans





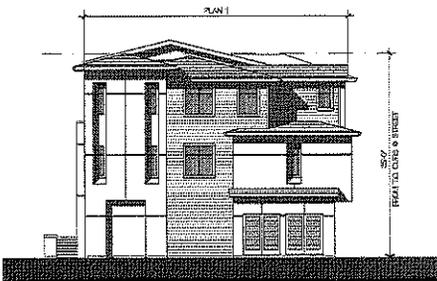
LEFT ELEVATION



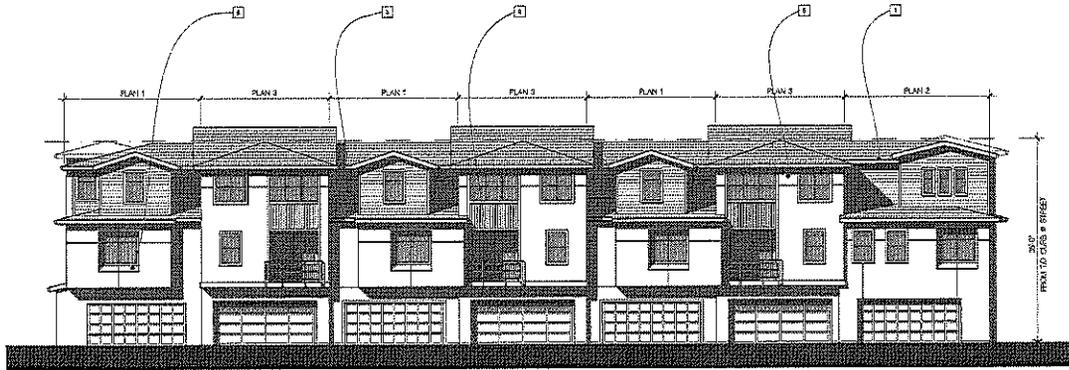
FRONT ELEVATION

Material Legend

- 1 Composition Roof Shingle
- 2 Metal Roof
- 3 Fiber-Cement Siding
- 4 Smooth fiber-cement panel with trim spandrel panel
- 5 Stucco
- 6 Stucco Recess with Sloped Sill
- 7 1-1/2" Wide Aluminum Stucco Reveal
- 8 Metal Sectional Garage Doors
- 9 Guardrail
- 10 Metal Awning
- 11 Precast Concrete Cap



RIGHT ELEVATION

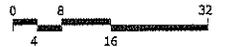


REAR ELEVATION

ATTACHMENT  
Page 33 of 39

A.17

Scheme "B"  
7-Plex Building



ELEVATION STYLE B - "MODERN ROWHOUSE"

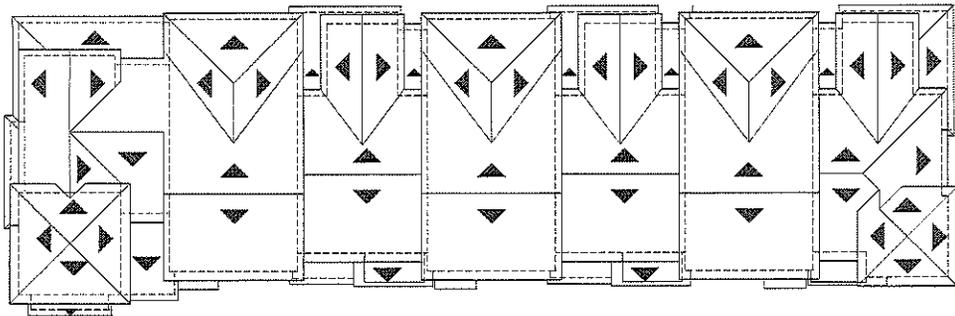
DUANE COURT  
SUNNYVALE, CALIFORNIA

No. 20100062

January 19, 2011

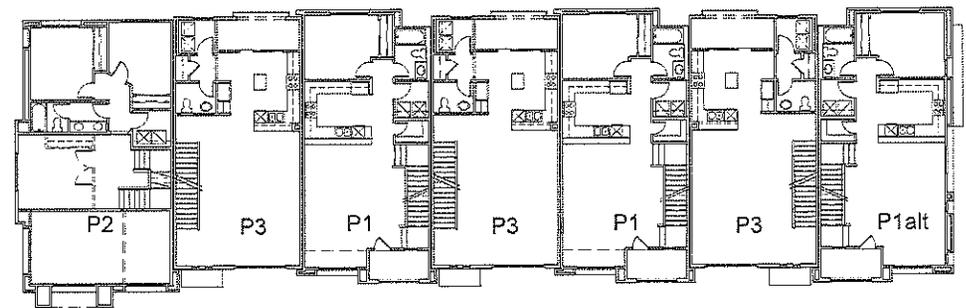
Architecture + Planning  
283 4th Street Third Floor  
Oakland, California 94607  
ktgy.com  
510.272.2910 Main  
510.292.2911 Fax



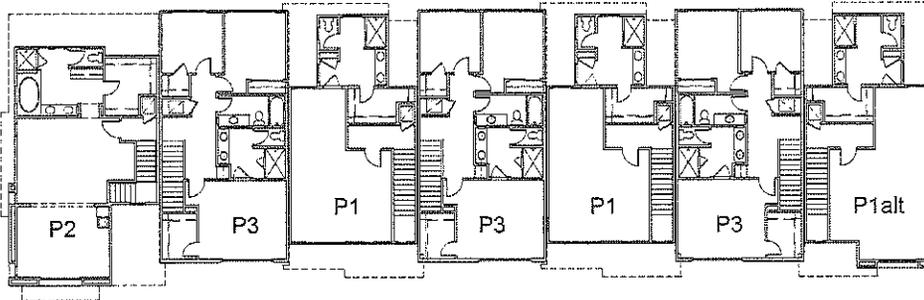


No Roof Mounted Equipment

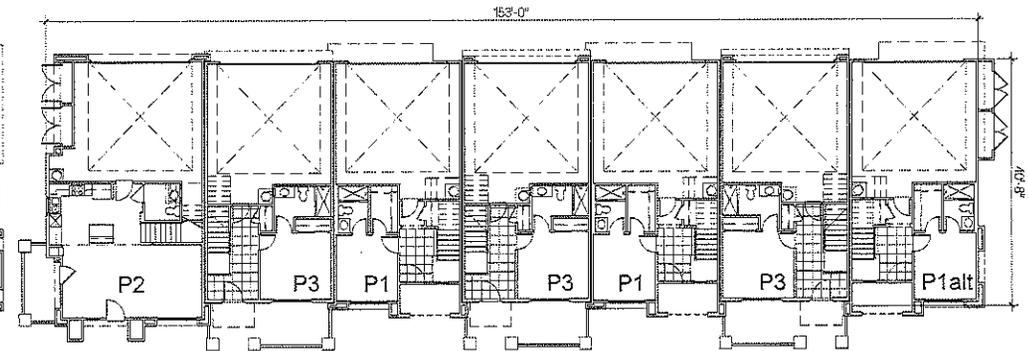
ROOF PLAN



SECOND LEVEL



THIRD LEVEL

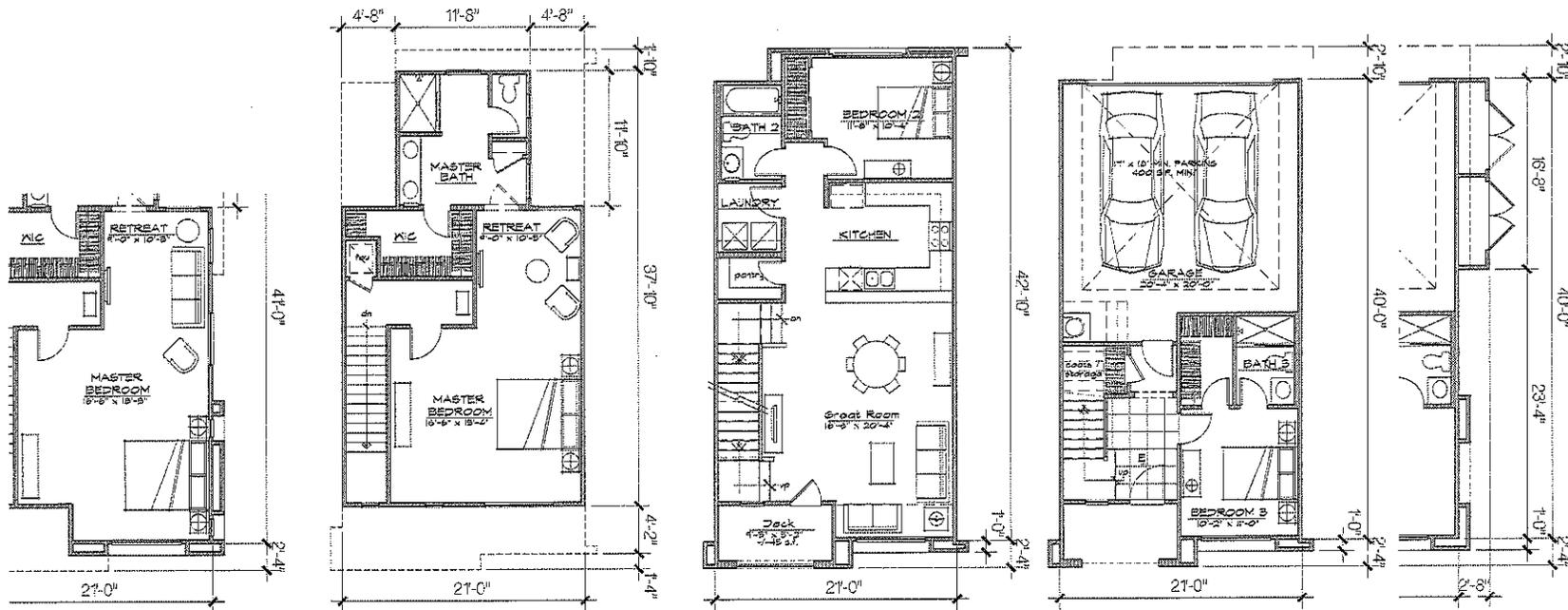


GROUND LEVEL

ATTACHMENT E  
 Page 34 of 39

**A.18**  
 Scheme "B"  
 7-Plex Building Composite Plans

A.19



THIRD FLOOR  
 P1 - Alt.  
 Scheme B

THIRD FLOOR

SECOND FLOOR

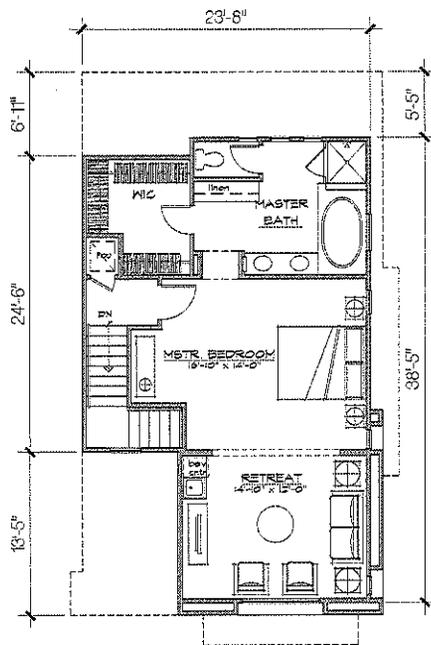
FIRST FLOOR

FIRST FLOOR  
 P1 - Alt.

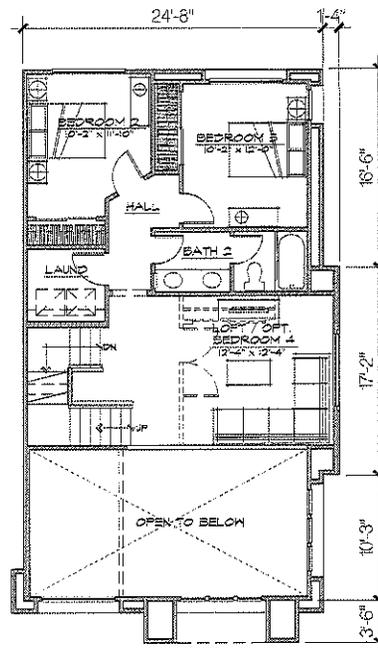
UNIT 1  
 3 BR / 3 BA  
 1,717 SF NET  
 1,815 SF GROSS  
 447 SF GROSS GARAGE

Townhome Unit Plan  
 Unit-1

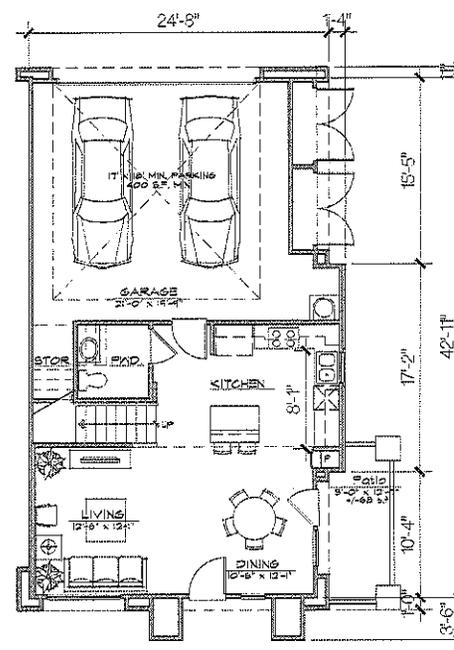




THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

UNIT 2

3 BR + 3 BA / OPT. BED 4

1,944 SF NET

2,062 SF GROSS

530 SF GROSS GARAGE

294 SF GROSS OPEN TO BELOW

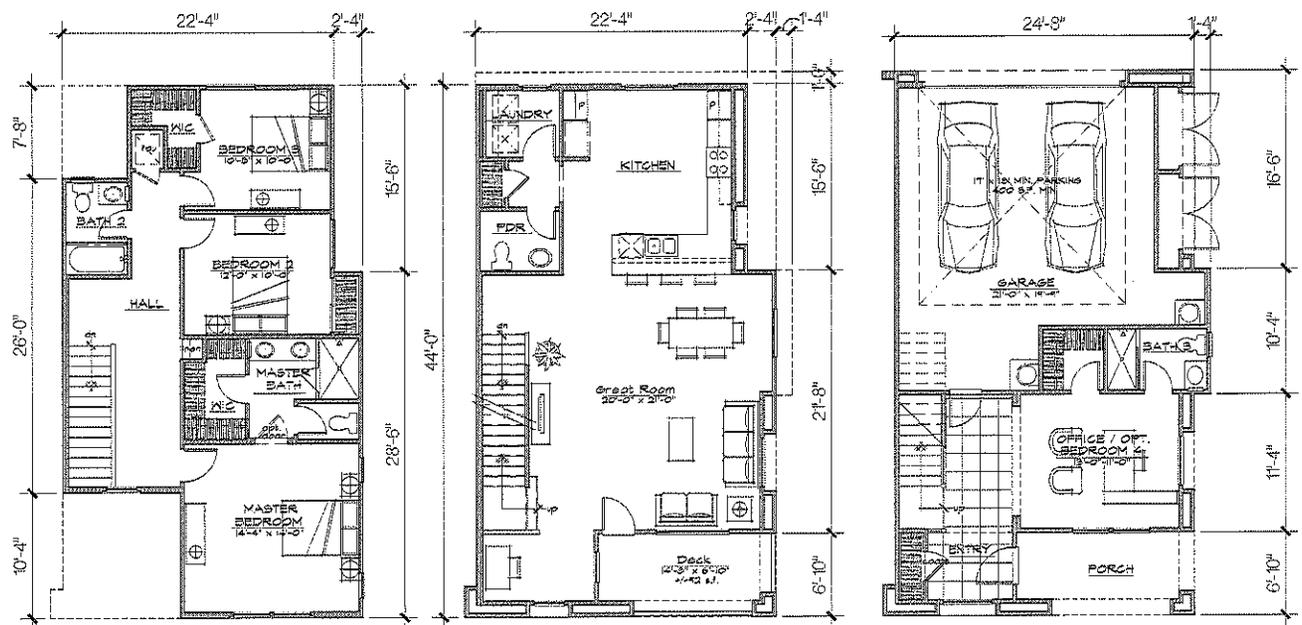
Townhome Unit Plan  
Unit-2



A.20

ATTACHMENT E  
Page 36 of 39





THIRD FLOOR

SECOND FLOOR

FIRST FLOOR

UNIT 2ALT  
 3 BR + 3.5 BA / OPT. BED4  
 2,052 SF NET  
 2,183 SF GROSS  
 547 SF GROSS GARAGE

Townhome Unit Plan  
 Unit - 2, Alternate Layout



A.21

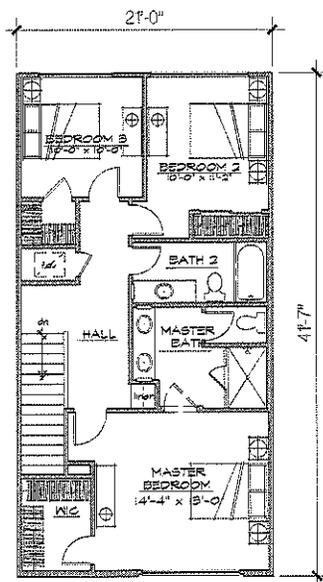


DUANE COURT  
 SUNNYVALE, CALIFORNIA

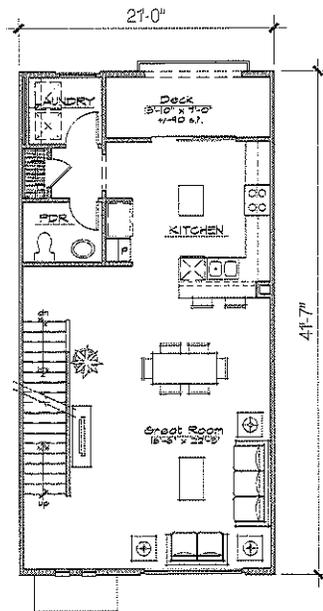
No. 20100062  
 January 19, 2011

Architecture + Planning  
 283 4th Street Third Floor  
 Oakland, California 94607  
 ktgy.com  
 510.272.2910 Main  
 510.292.2911 Fax

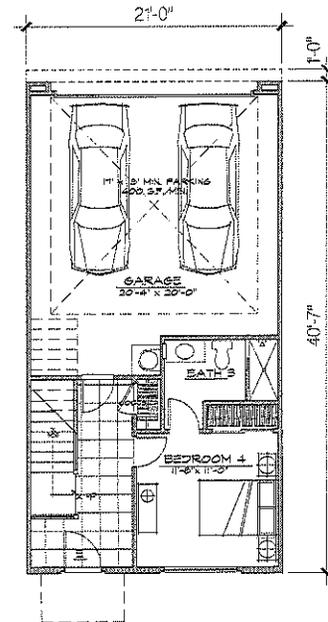




THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

UNIT 3  
 4 BR / 3 BA + POWDER  
 1,897 SF NET  
 2,000 SF GROSS  
 455 SF GROSS GARAGE

A.22

Townhome Unit Plan  
 Unit-3

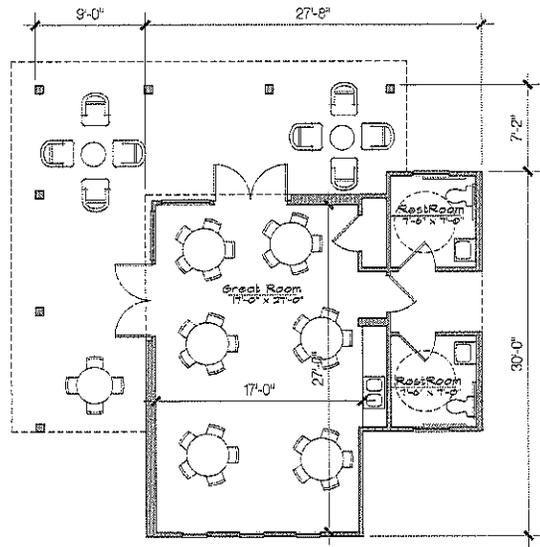


DUANE COURT  
 SUNNYVALE, CALIFORNIA

No. 2010062  
 January 19, 2011

Architecture + Planning  
 283 4th Street Third Floor  
 Oakland, California 94607  
 ktp.com  
 510.272.2910 Main  
 510.292.2911 Fax





GROUND LEVEL

Recreation Facility

+/-603 n.s.f.  
 +/-671 g.s.f.



A.23



TaylorMorrison

ATTACHMENT F  
Page 1 of 3

TAYLOR MORRISON  
OF CALIFORNIA, LLC

Northern California Division

1180 Iron Point Road, Suite 100  
Folsom, CA 95630

p. (916) 355-8900  
f. (916) 608-7586

taylormorrison.com

March 4, 2010

Sunnyvale City Council  
456 West Olive Avenue  
Sunnyvale, CA 94088.

RE: 1044 East Duane Avenue Request for Initiation of General Plan Amendment and Rezone

Honorable Sunnyvale City Council:

Please consider this letter as a formal request on the part of Taylor Morrison of California, LLC for the City of Sunnyvale to initiate a General Plan Amendment and Rezone of the 1044 East Duane Avenue (APN: 205-23-001) property from Residential/High Density to Residential/Medium Density and/or Residential/Low-Medium Density. Initiation of this request will allow Taylor Morrison to proceed forward with the planning and design work necessary to bring forward a housing project which is financially viable in today's challenging economy.

**Background:**

On May 22, 2007 the Sunnyvale City Council approved Special Development Permit 2006-0610 authorizing development of 304 condominium units on the approximately 7 acre 1044 East Duane Avenue site. This project included the construction of 12 3-story townhouse style buildings (75 units) along with a 5-story podium style condominium building (229 units). Taylor Woodrow (currently named Taylor Morrison) proceeded with the preparation of improvement plans and construction plans for the project from 2007 until 2009. In April 2009 the Special Development Permit and Parcel Map approval was extended until May 2010.

**Discussion:**

In early 2009 Taylor Morrison determined the historic changes in the housing market had rendered the project financially infeasible as approved. This infeasibility is due to the high cost of construction of the podium style building and the relatively low sales prices associated with mid-rise condominium units (e.g. the cost to build the building is greater than the value of the units). Given the new market, Taylor Morrison determined that a fundamental re-examination of the site was warranted. Meetings were held with City

Taylor  
Woodrow  
Communities 

taylor  
morrison  
Homes Inspired by You 

TAYLOR MORRISON  
OF CALIFORNIA, LLC

Northern California Division

1180 Iron Point Road, Suite 100  
Folsom, CA 95630

p. (916) 355-8900  
f. (916) 608-7586

taylormorrison.com

staff, our consultant team, and with many others to determine what would best fit on the site and how this would fit into the City's overall desires for residential development. Out of these meetings it appears that modifying the project to eliminate the large 5-story podium building and replacing it with more townhouse style units would be the best fit for the site and the surrounding neighborhood.

**Proposal:**

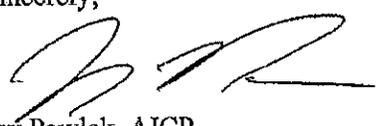
In order to facilitate moving forward with the project Taylor Morrison is proposing to seek the following approvals from the City:

1. General Plan Amendment changing the designation from very High Density to Medium Density and/or Low Density;
2. Rezone of the site from R-4 to R-3; and
3. A new Special Development Permit to eliminate the 5-story podium building and to allow construction of 24 +/- townhouse style buildings reducing the total unit count from 304 units to 132 units (See Attached Draft Site Plan and Conceptual Building Elevation).

The first step towards moving the revised project forward is obtaining City Council approval to initiate the required General Plan Amendment. These modifications to the project are necessary to allow for development of the site at a density better suited to the site's unique constraints and today's market conditions.

Thank you in advance for your thoughtful consideration of our request. If you have any questions or need any additional information please give me a call at 916/343-1992.

Sincerely,



Jay Pawlek, AICP  
Director of Land



## USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

---

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

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

The project provides for the construction of additional for sale housing units within the City of Sunnyvale on a site which is well served by existing utilities, roadways, and services. The proposed project is consistent with the City's designation of the site for residential use. Overall site design will result in a development which is complementary to the existing adjoining residential development as well as the existing office and retail development in the area.

OR

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ...

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ADDENDUM TO THE 2007 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE EAST SUNNYVALE INDUSTRIAL-TO-RESIDENTIAL (ITR) PROJECT**

WHEREAS, on February 27, 2007, the City Council approved the East Sunnyvale Industrial-to-Residential (ITR) Project, which included a General Plan Amendment and rezoning of 60 acres of property in the area, including the subject site, to add an ITR combining district and the subject site was designated for high density residential; and

WHEREAS, on February 27, 2007, Council adopted Resolution No. 275-07, certifying the Final Environmental Impact Report (“FEIR”) for the East Sunnyvale ITR General Plan Amendment and Planned Development Rezoning Project as having been prepared in compliance with the requirements of CEQA, making necessary findings, adopting mitigation measures for significant impacts and adopting a Statement of Overriding Considerations related to certain impacts on air quality; and

WHEREAS, on May 11, 2010, the City Council initiated a General Plan Amendment study for the subject site to allow consideration of a reduction in density which would facilitate redevelopment and provide a more immediate supply of new housing units; and

WHEREAS, an Addendum to the 2007 Final EIR has been prepared (and attached hereto as Exhibit A) for the proposed revised project to address a change in the CEQA requirements and an analysis of project impacts related to greenhouse gases required under CEQA, which did not reveal any new significant impacts or increases in the severity of impacts previously identified in the 2007 Final EIR; and

WHEREAS, copies of all of the above-referenced documents, which constitute the record of proceedings upon which the City of Sunnyvale’s decision on the Project is based, are and have been available upon request at the office of the Department of Public Works 456 W. Olive Street, Sunnyvale, California 94087; and

WHEREAS, the Planning Commission held a noticed public hearing on March 14, 2011, and has recommended Council certify the Addendum to the 2007 Final EIR; and

WHEREAS, the City Council held a noticed public hearing to consider adoption of the Addendum on March 29, 2011, and has considered the reports and documents presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

Attachment G

1. The City Council has reviewed the documents comprising the Addendum to the Final EIR for the East Sunnyvale Industrial-to-Residential (ITR) Project and hereby finds that the Addendum to the Final EIR reflects the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the Project.

2. The City Council hereby certifies the Addendum to the Final EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act (“CEQA”) and incorporates by this reference the findings, mitigation measures and Statement of Overriding Considerations contained in the 2007 Final EIR as to the environmental effects of the project, together with the additional findings contained in Resolution No. \_\_\_\_\_, adopted herewith.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FOR 1044 EAST DUANE AVENUE FROM "INDUSTRIAL-TO-RESIDENTIAL HIGH DENSITY" (ITRHI) TO "RESIDENTIAL MEDIUM DENSITY" (RMED) FOR THE EAST SUNNYVALE INDUSTRIAL-TO-RESIDENTIAL (ITR) PROJECT**

WHEREAS, on February 27, 2007, the City Council approved the East Sunnyvale Industrial-to-Residential (ITR) Project, which included a General Plan Amendment and rezoning of 60 acres of property in the area, including the subject site, to add an ITR combining district and the subject site was designated for high density residential; and

WHEREAS, Council subsequently approved a 304-unit development on the site which included 12 three-story townhome buildings (68 units) along with a five-story podium-style condominium building (236 units) and these entitlements are currently valid until May 2011 and may be extended a further year; and

WHEREAS, on May 11, 2010, the City Council initiated a General Plan Amendment study for the subject site to allow consideration of a reduction in density which would facilitate redevelopment and provide a more immediate supply of new housing units; and

WHEREAS, copies of all of the above-referenced documents, which constitute the record of proceedings upon which the City of Sunnyvale's decision on the Project is based, are and have been available upon request at the office of the Department of Public Works 456 W. Olive Street, Sunnyvale, California 94087

WHEREAS, the Planning Commission held a noticed public hearing on March 14, 2011, and has recommended approval of the General Plan Amendment to change the land use designation for 1044 East Duane Avenue to Residential Medium Density (RMED); and

WHEREAS, the City Council held a noticed public hearing on March 29, 2011, and has considered the reports and documents presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT THE CITY COUNCIL does hereby make the following findings with respect to the General Plan Amendment for 1044 East Duane Avenue of the East Sunnyvale Industrial-to-Residential (ITR) Project from Industrial-to-Residential High Density (ITRHI) to Residential Medium Density (RMED) and Addendum to the 2007 Environmental Impact Report for the East Sunnyvale Industrial-to-Residential Project:

**GENERAL PLAN AMENDMENT AND REZONING FINDINGS:**

1. *The City Council may approve an amendment to the General Plan or precise zoning plan upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest. [Finding made]*

The proposed amendments to the General Plan and Precise Zoning Plan to change the land use designation from high density residential to medium density residential are in the interest of the public. While the property is appropriate for high density residential uses based on its location adjacent to major roadways, it is also adjacent to a single-family residential neighborhood. The lower intensity of development associated with the proposed designation is more compatible with the adjacent low density residential neighborhood and will reduce the impacts of redevelopment on neighboring single-family homes. The proposed designation is still compatible with the existing high density and medium density residential designations to the west. The proposed density reduction will facilitate redevelopment of the site, which is currently infeasible for high densities due to market conditions. Additional housing opportunities in the City, including Below Market Rate units, will still be provided on the site. Legally required environmental review has been conducted.

2. *California Government Code Section 65863 states, in pertinent part:*

*(b) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:*

*(1) The reduction is consistent with the adopted general plan, including the housing element.*

*(2) The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. [Findings made]*

The proposed change from high density residential to medium density residential for this site is consistent with the adopted General Plan (as amended) as detailed in the General Plan Goals and Policies below. The proposed reduction in density is consistent with the certified housing element and will not impact the City's ability to meet its Regional Housing Needs Allocation (RHNA) goal. The 2009 Housing and Community Revitalization Sub-element of the General Plan identifies the potential for 5,113 additional housing units within the City based on current zoning designations, whereas 4,426 units were allocated as the City's share of regional housing needs between 2009 and 2014. The subject site was not included in the estimate of future units; the previously approved development project was included in the discussion of accomplishments related to the 2006 housing element. While the proposed density reduction would reduce the overall potential for new housing units in the City, it would not impact the projections in the Housing and Community Revitalization Sub-element. The remaining sites identified in the housing element are adequate to accommodate the City's share of regional housing needs.

## **GENERAL PLAN GOALS AND POLICIES FINDINGS:**

### **Housing and Community Revitalization Sub-element**

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

The proposed development meets this policy by providing 75% of the maximum permitted R-3 density (132 housing units).

**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.*

The project provides needed housing opportunities within an Industrial-to-Residential conversion area. The reduced density of the revised project reduces the impact of redevelopment on the adjacent single-family neighborhood and helps to preserve neighborhood character.

**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.*

The project provides additional ownership opportunities within a multi-family style of residential development.

**Goal E:** *Maintain and increase housing units affordable to households of all income levels and ages.*

The proposed development provides 115 new market rate units and 17 new Below Market Rate (BMR) units.

### **Land Use and Transportation Element**

**Policy C2.2:** *Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choices.*

The proposed project provides 132 new ownership housing units.

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

The project site is situated between an existing low density single-family residential neighborhood to the north and an Industrial-to-Residential area with R-4 density to the west. The proposed project at R-3 density is compatible with the adjacent residential land uses and the zoning for the area (as amended). The proposed density will reduce potential impacts on the adjacent single-family residential neighborhood compared with the previously approved project. The project's architecture and site design along Duane Court have also been designed to provide

a traditional residential streetscape as a transition to the single-family neighborhood. The location of driveways and the required roadway improvements ensure the project will not have a negative impact on surrounding roadways.

**Community Design Sub-element**

**Policy C.4:**       *Encourage quality architectural design, which improves the City’s identity, inspires creativity, and heightens individual as well as cultural identity.*

The proposed architecture incorporates high quality design and significantly improves the visual appearance of the site. The architectural styles and finishes provide for a unified design with variation and interest, and will enhance the residential character of the neighborhood.

The condominium subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, is consistent with the permitted density in the proposed R-3 Zoning District and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE 1044 EAST DUANE AVENUE FROM M-S/ITR/R-4/PD (INDUSTRIAL AND SERVICE/INDUSTRIAL-TO-RESIDENTIAL/HIGH DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) TO R-3/PD (MEDIUM DENSITY RESIDENTIAL /PLANNED DEVELOPMENT)**

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

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale hereby is amended in order to include certain properties within the R-3/PD (Medium Density Residential /Planned Development), as shown on the Map, which properties are currently zoned M-S/ITR/R-4/PD (Industrial and Service/Industrial-to-Residential/High Density Residential/ Planned Development). The location of the properties is set forth on the scale drawing attached as Exhibit “A.”

SECTION 2. CEQA–COMPLIANCE. The City Council hereby determines that the Addendum to the Final Environmental Impact Report and Statement of Overriding Consideration prepared for this ordinance have 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 this 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 require analysis of significant environmental impacts assessment, if required by CEQA.

SECTION 3. 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 \_\_\_\_\_, 2011, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
SEAL

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

