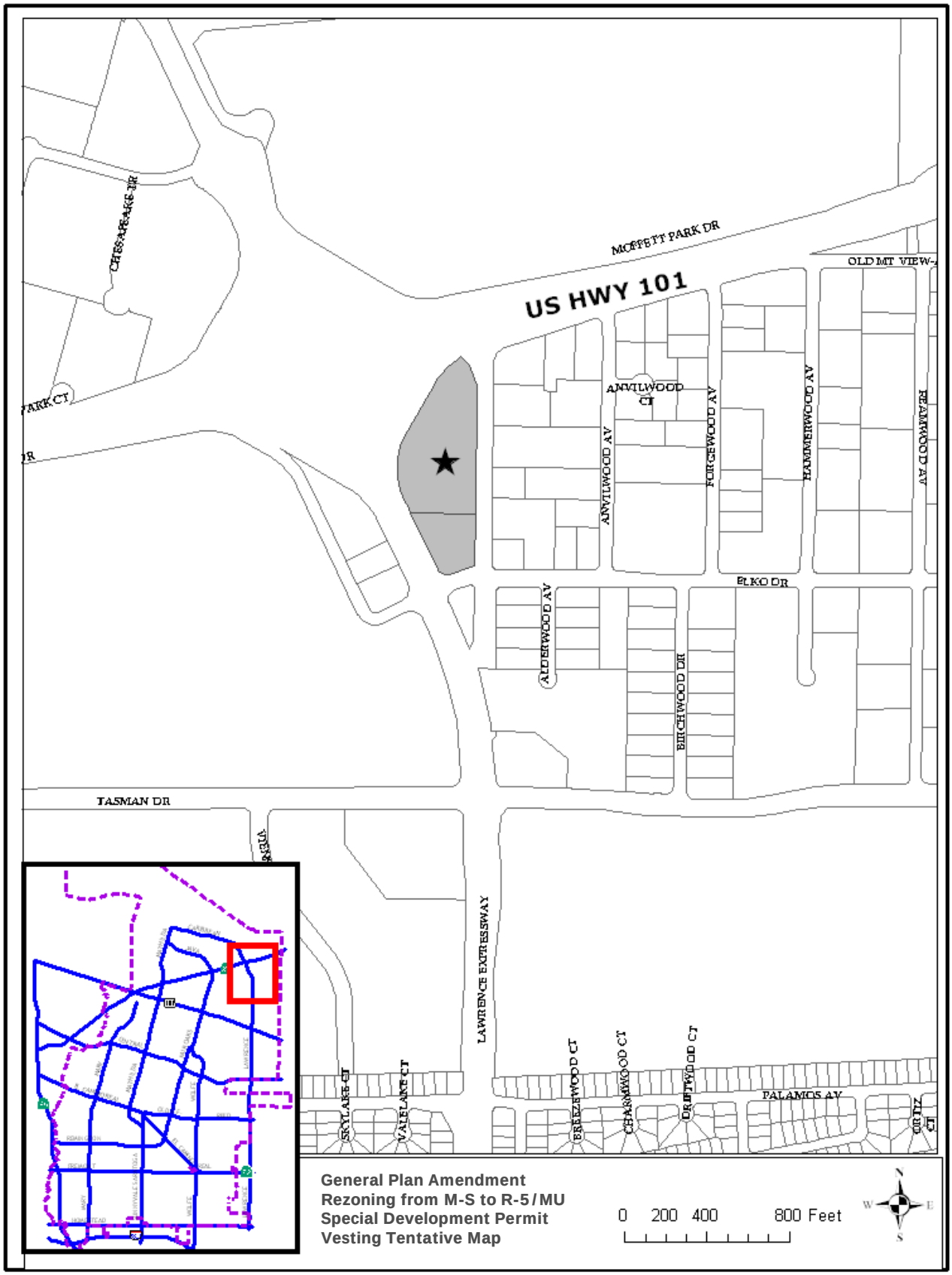
CITY OF SUNNYVALE
REPORT
Planning Commission

October 13, 2008

SUBJECT:	**2006-0712 – Trumark Companies** [Applicant] **Ray Street Office, LLC.** [Owner]: Application for related proposals on a 6.63 acre site located at **1275 and 1287 Lawrence Station Road** (near Elko Drive) in an M-S (Industrial & Service) Zoning District. (APNs: 110-15-045, 110-15-044)
Resolution	**General Plan Amendment** to change the land use designation from Industrial to Very High Density Residential,
Introduction of an Ordinance	**Rezone** the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),
Motion	**Special Development Permit** to allow development of 338 condominium units and 16,000 square feet of commercial space,
Motion	**Vesting Tentative Map** for condominium purposes.

REPORT IN BRIEF

Existing Site Conditions	Industrial and office buildings
Surrounding Land Uses	
North	Highway 237/Baylands Park
South	Gas Station
East	Industrial and Fire Station
West	Lawrence Expressway/Industrial POA/Hotel
Issues	Land use, open space, architecture, mixed use
Environmental Status	An Environmental Impact Report has been prepared in compliance with California Environmental Quality Act provisions for the Luminaire/Lawrence Station Road Industrial to Residential/Mixed Use General Plan Amendment and Rezoning (2008).
Staff Recommendation	Recommend denial of all related applications to the City Council.


US HWY 101
MOFFETT PARK DR
OLD MT VIEW
CHESAPEAKE DR
ANVILWOOD CT
ANVILWOOD AV
FORGEWOOD AV
HAMMERWOOD AV
ELKO DR
ALDERWOOD AV
BIRCHWOOD DR
TASMAN DR
LAWRENCE EXPRESSWAY
SKYLARK CT
VALELAKE CT
BREEZEWOOD CT
CHARMWOOD CT
DRIFTWOOD CT
PALAMOS AV
General Plan Amendment
Rezoning from M-S to R-5/MU
Special Development Permit
Vesting Tentative Map
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PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED (Per staff recommendation on new MU District)
General Plan	Industrial	Very High Density Residential	Pending approval of GPA
Zoning District	Industrial and Service (M-S)	High Density Residential and Office/Mixed Use (R-5/MU)	Pending approval of GPA
Lot Size (s.f.)	6.63 (288,802)	Same	N/A
Gross Floor Area (s.f.)	74,316	439,418	N/A
★ **Lot Coverage (%)**	26%	51.7 %	40% max.
Floor Area Ratio (FAR)	13%	1.52	N/A
No. of Units	N/A	338	349 max. (304 + 45 w/ 15% density bonus)
Density (units/acre)	N/A	51 du/ac	53 du/ac max.
Meets 75% min?	N/A	Yes	228 min.
Lockable Storage/Unit	N/A	300 cu. ft.	300 cu. ft. min.
No. of Buildings On-Site	2	1	N/A
Distance Between Buildings (ft.)	N/A	N/A	26' min.
★ **Building Height (ft.)**	35'	66.5'	65' max
★ **No. of Stories**	1	6	5 max.
Mixed Use			
★ **Commercial (s.f.)**	N/A	22,152 (16,000– Retail) (6,152– Live/Work)	28,802 min. 72,200 max.
★ **Commercial (%)**	N/A	7.67%	10% min. 25% max.
Setbacks (First & Second Stories Facing Property)			
• **Front on Lawrence Expressway**	70'	32'	20' min.
• **Front on Hwy. 237 Ramp**	40'	32'	20' min.
• **Front on Elko Drive**	70'	20'	20' min.
• **Front on Lawrence Station Road**	60'	20'	20' min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED (Per staff recommendation on new MU District)
Landscaping (s.f.)			
• **Total Landscaping**	75,750	148,097	126,750 min.
• **Landscaping/Unit**	N/A	438	375 min.
★ • **Total Usable Open Space ****	N/A	128,440	128,440 min.
• **Usable Open Space/Unit**	N/A	380	380 min.
• **Private Usable Open Space/Unit**	N/A	80 min.	80 min.
• **Frontage Width (ft.)**	40' min.	20' min.	15' min.
• **Parking Lot Area Shading (%)**	N/A	50%	50% min. in 15 years
• **Water Conserving Plants (%)**	N/A	70%	70% min.
• **Clubhouse (s.f.)**	N/A	3,000 (including kitchen and restrooms)	450 (plus kitchen and restrooms)
Parking			
• **Total Spaces**	1,391	667	667 min. (using ULI shared parking standards for mixed use projects)
• **Compact Spaces/ % of Total**	N/A	9/ 1.3 %	115/ 35% max. of unassigned spaces
• **Accessible Spaces**	N/A	20	Per ADA requirements
• **Bicycle Parking**	N/A	Bike storage room that will accommodate the minimum required spaces	**Residential**: 112 Class I, 23 Class II **Commercial**: 1 Class I per 30 employees, 1 Class II per 6,000 s.f.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

** Staff believes there is sufficient justification for to support certain front yard areas as Usable Open Space which requires a deviation from SMC requirements.

ANALYSIS

Description of Proposed Project

Present Site Conditions: The project site includes two parcels totaling 6.63 acres with two industrial/office buildings that were developed in 1970.

Use: The proposed project consists of 338 mid-rise condominium units (including 16 live/work units) and 16,000 square feet of commercial retail space.

Site Layout: The site is bound on four sides by roadway or highway on-ramp. Vehicle access cannot be taken from the Lawrence Expressway or the Highway 237 sides.

Project Applications: The proposed project consists of six components: 1) an Environmental Impact Report (EIR) for the project; 2) an amendment to Title 19 of the Sunnyvale Municipal Code (Zoning) to create a new Mixed Use Zoning Combining District (MU); 3) a General Plan Amendment to change the land use on the site from Industrial to Very High Density Residential; 4) a Rezone of this site from M-S (Industrial and Service) to R-5/MU (High Density Residential and Office/Mixed Use); 5) a Special Development Permit application; and 6) a Vesting Tentative Map. These six components are described in more detail below.

1) Environmental Impact Report: An EIR (Luminaire/Lawrence Station Road Project) is being processed concurrently with this application. The EIR is addressed under a separate staff report and needs to be considered prior to any other actions under consideration.

2) New Mixed Use Combining District: An amendment to Title 19 of the Sunnyvale Municipal Code (SMC) to create a Mixed Use Zoning Combining District is being processed concurrently with this application. The amendment is addressed under a separate staff report and should be considered prior to any other actions addressed in this report. The existing Title 19 zoning designations currently utilized by the City do not adequately address the type of development currently proposed for this site. The new Mixed Use District will contain the new development requirements and criteria for use with sites throughout the City.

3) General Plan Amendment: The project includes a request for an amendment to the City's General Plan Land Use Map designation from Industrial to Very High Density Residential in order to allow for redevelopment of the site. The primary goal of the proposed land use change is to allow the development of the site with residential mixed use combined with commercial development.

4) Rezone: Associated with the General Plan Amendment and Title 19 amendment is a proposal to rezone the site from M-S (Industrial and Service) to R-5/MU (High

Density Residential and Office/Mixed Use). This designation would allow development of the site under the newly adopted Mixed Use Combining District.

5) Special Development Permit (SDP): The applicant is also requesting approval of an SDP to allow construction of 338 mid-rise rental units (which includes 16 live/work units) and 16,000 square feet of commercial space. The project will include the required 15% of Below Market Rate (BMR) housing rental units (46 units), which is based on the number of units allowed without a density bonus, pursuant to SMC Section 19.66.020 (see BMR Conditions of approval in Attachment B).

6) Vesting Tentative Map: The applicant is requesting approval of a Vesting Tentative Map to merge two parcels, totaling approximately 6.63 acres, into one common lot with 338 residential condominium units and 16,000 square feet of commercial space. The applicant has stated the project will be constructed for rental units but may be converted to ownership units in the future.

Background

This development application is being processed concurrently with the Luminaire/Lawrence Station Road Project Environmental Impact Report and a Title 19 amendment to create a new Mixed Use Combining District. This development proposal, if approved, will allow a General Plan Amendment change for Industrial to Very High Density Residential, a Rezoning of the property from Industrial and Service to High Density Residential and Office/Mixed Use, a Special Development Permit and Vesting Tentative Map. The decision on the Environmental Impact Report and new Mixed Use zone will precede this application.

General Plan Initiation: In 2003 a General Plan Amendment Initiation request was submitted by The Riding Group to convert the site from Industrial to Medium Density Residential (RTC 03-0425). Staff noted concerns that the proposal included the loss of industrial land and the lack of proximity to neighborhood parks, schools and shopping centers. It was also noted that the edges of the neighborhood were not appropriate for residential uses. The streets are wider in an industrial neighborhood as they are defined to serve industrial uses. Specifically, the site is designated within the Community Development Strategy as an area that needs reinvestment and should be preserved for industrial uses. The General Plan Amendment Study was not initiated by the City Council on a 4-3 vote at their December 2, 2003 meeting.

In 2006 a subsequent General Plan Initiation request was received from Trumark Companies requesting a change in the existing Land Use designation from Industrial to Residential High Density. The preliminary plans called for the development of a mixed use project including retail, office, and residential uses.

At the February 14, 2006 City Council meeting the applicant stated more specifically that preliminary plans for the project included:

- Mixed use development with office (10,000 sf.), retail (15,999 sf.), and housing components,
- 300 housing units ranging in size from 1,200 to 1,400 square feet,
- Underground parking,
- Building heights below 50 feet,
- Ownership housing units.

At the meeting the Council authorized the General Plan Amendment Study on a 5-2 vote (see Council Meeting Minutes in Attachment C for additional details). As part of the study the Council directed staff to examine the following:

- Explore a Mixed Use zoning designation,
- Examine the appropriateness of different residential densities, including R-3 (medium density), R-4 (high density), and R-5 (high density with office),
- Examine the appropriateness of new residential uses in a predominately industrial region of the city,
- Consider the advantages of increased residential, retail, and office opportunities,
- Evaluate noise and traffic impacts to the proposed development,
- Examine the opportunities to provide additional affordable housing units.

In July 2006 the developer formally submitted this application for review. The applicant's team and staff worked through key site plan and project design changes until both parties believed the environmental review could begin. The initial scoping of the EIR (Notice of Preparation) was released in April 2007. Between April 2007 and September 2008 the project undertook numerous changes based on information from the EIR consultant; suggested changes from City staff; changes from the applicant's project team; and information received from the applicant's legal council. Major changes to this project have occurred in the past six months, in part, delaying the release of the EIR and the scheduling of public hearings. In August 2008 staff received the current site plan and architectural elevations from the applicant.

Environmental Review

An EIR (Luminaire/Lawrence Station Road Project) is being processed concurrently with this application. The EIR addresses the impacts of the conversion of 6.63 acres from industrial to residential/ mixed use and the impacts to the surrounding area. The EIR also evaluates potential impacts associated with creation of a new Mixed Use Combining District, project alternatives, and future impacts to the residents of the project. The EIR would need to be certified prior to this action.

EXISTING POLICY RELATED TO GENERAL PLAN AMENDMENT AND REZONING

The following General Plan Goals and Policies are related to this request for a General Plan Amendment and Rezoning:

Housing and Community Revitalization Sub-element

Goal A: *Foster the expansion of housing supply to provide greater opportunities for current and future residents within limits imposed by environmental, social fiscal, and land use constraints.*

Action Statements A.3.a: *Maintain provisions of the zoning code that permit housing to be constructed in commercial districts after planning review.*

Policy B.3: *Continue to permit and encourage a mix of residential and job-producing land uses, as long as there is neighborhood compatibility and no unavoidable environmental impacts.*

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.*

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

Policy D.1: *Encourage innovative types of housing in existing residential zoning districts.*

Land Use and Transportation Element

Goal C1: *Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scale developments.*

C3.2.3: *Encourage mixed use developments that provide pedestrian scale and transit oriented services and amenities. The intent is to provide opportunities for mixed use.*

C4.3: *Consider the needs of business as well as residents when making land use and transportation decisions.*

Policy N1.1: *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

Action Statement N1.1.1: *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

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

Community Design Sub-element
Policy A.2: *Ensure that new development is compatible with the character of special districts and residential neighborhoods.*

General Plan Amendment

General Plan Change Under Consideration: Amend the City's General Plan Land Use Map designation from Industrial to Very High Density Residential.

Discussion of General Plan Amendment: The site currently has a General Plan Land Use designation of Industrial. A change in land use to Very High Density Residential would cause this site to be the only such land use in the area. There are a number of impacts and challenges associated with changing the land use of a property to be unique to its area, including proximity to schools, proximity to commercial services, access to parks and open space area, other residential amenities, and livability of the site. These potential impacts are discussed in detail below.

2003 Community Development Strategy: The project site is located in an industrial area called "The Woods." This area is considered one of the four "Office and Industrial Action Areas", as described in the Community Development Strategy presented to the City Council in 2003.

The Woods encompasses approximately 96 acres and is predominately made up of Class C buildings on small lots. The area serves primarily support services and start-up businesses. The smaller industrial buildings lend themselves to lower rent and the recent condominium conversions in the area provide for ownership opportunities. Most of the properties are well maintained. This site, however, consists of the only Class B type structures in this industrial neighborhood. The Community Development Strategy designates the Woods as an area for the following strategies:

- Review current zoning to make sure it encourages and supports the retention of small business.
- Marketing and promotion of the Woods as a location for support services and start-up companies
- Outreach to small businesses in the area to assist in problem solving.

The Community Development Strategy also points out the need for increased housing opportunities within the City. Due to the lack of vacant land within City

limits, this goal can only be achieved through the conversion of existing uses on certain parcels. The strategy also stresses the need to appropriately locate sites where housing opportunities should be pursued. The City of Sunnyvale has in 1994 selected areas as Industrial to Residential (ITR) Zones in which specific industrial sites are recommended for the eventual conversion to residential uses. In 2007, approximately 68 additional acres (up to 1,488 units) were rezoned from Industrial to ITR. The Community Development Strategy does not identify the Woods as a suitable location for residential or mixed use projects.

Expected Impact on the Surroundings: The Woods area is home to many diverse businesses ranging in use from research and development, warehouse and storage, printers, manufacturing, and some restaurant uses. These businesses employ approximately 2,100 employees. During Fiscal Year 2007-2008, there were about 200 sales tax generating businesses located in the Woods. The total sales tax generated by businesses located in the Woods area increased by about 4% from FY 2006-2007.

The increase in sales tax may be related to the limited number of vacant buildings in 2008 versus 2007. As of the first quarter 2008, the vacancy rate for the Woods was 4%, totaling approximately 140,000 square feet of space available. The average lease per square foot is $1.14 for research and development and $1.23 per square foot for warehouse, distribution, and manufacturing. This is about 15-20% less than in other areas of the City where larger tenant spaces and Class A/B buildings can be found. This makes the Woods area an attractive location for industrial and warehouse type businesses.

Sunnyvale's capacity to support diverse local industries and its capacity to support business retention and expansion are central to the issue of retaining industrial land. As more industrial activities are pressured out of Sunnyvale, workers in Sunnyvale will have to commute larger distances to communities that attract industrial jobs or professional jobs.

In conversation with commercial real estate brokers, they have stated that some of their industrial clients are starting to have difficulty finding adequate industrial space. This is more apparent with manufacturing and R&D operations which utilize potentially hazardous materials, such as semiconductor and solar manufacturers. It is also a challenge to find locations for users that operate in a manner that may create excessive noise, dust, traffic or other conditions that are not compatible with a residential use. For example, some industrial operations have large delivery vehicles associated with their businesses that operate 24 hours a day. This condition is particularly true in the Woods area. Currently, there is a Federal Express distribution center across the street from the proposed development with operating hours up to 24 hours a day, and a UPS facility on Hammerwood Avenue further east of the site.

It is difficult to fully quantify the potential financial impact to the existing businesses in the Woods since their operations will not cease as a result of this land use change. Their operations may be required to be scaled back and future expansions may not be allowed. It is also difficult to predict the fiscal impact to the City due to the loss of a future industrial/office uses in this location. A future business that is a point of sales would generate sales tax revenue, while a future office use likely would not generate the same revenue, yet indirectly support retailers.

This site constitutes the only Class B type structures in this industrial neighborhood, with the remainder of the industrial/office buildings in the Woods 96 acres being Class C. A transition of this site from industrial to residential land use would result in a 7% decrease in the total industrial/commercial area of the Woods.

Workspace Demand Analysis Summary: In 2006, a *Sunnyvale Workspace Demand and Capacity Analysis* was prepared for the City by Economic and Planning Systems to assess whether the re-zoning of industrial land to permit residential uses would affect the City's ability to compete for and accommodate future demand for workspace (i.e., office, research and development [R&D], warehouse and manufacturing buildings). The report compares projected demand for industrial workspace to the development capacity in each of the City's industrial sub-areas to draw conclusions and estimate likely demand for workspace in the next 20 years and the City's capacity to provide new workspace through its existing supply of land and buildings.

The Workspace Demand Analysis notes that Sunnyvale is a major Silicon Valley employment center with a few prominent company headquarters as well as small and medium-sized firms. Like other cities in the region, Sunnyvale has been experiencing a growing shift away from manufacturing and heavy R&D uses. At the same time, the City's housing supply has not kept up with job growth, resulting in an overall jobs/housing imbalance and a lack of affordable housing. In 1993 and again in 2007, the City made major land use changes that would facilitate the transformation of obsolete industrial space into higher-valued workspace and provide additional housing:

- **Designation of ITR Districts:** The City rezoned several industrial areas into ITR districts. These ITR sites were selected by the City based on several criteria, including suitability for residential development (proximity to other residential development/market interest), ability to support high-density development along existing transit lines, and ability to provide commercial uses, parks and elementary schools to the residents.

- **Increased Industrial Development Densities:** The City also increased the permitted floor-area ratios in selected industrial areas to between 50 and 100 percent from typical levels of 35 percent. This increase permits and

encourages intensified workspace development or commercial uses consistent with the changing patterns of workspace need. These industrial intensification sites were selected based on how well these areas could support public transit (especially the light rail), their prominence in terms of location, and how much additional work or commercial space they can provide (i.e., parcel size).

- **AMD ITR District:** The City Council reviewed a General Plan Amendment and Rezoning for an approximately 130-acre site located in east Sunnyvale that is currently developed with a variety of industrial and office uses including the AMD corporate headquarters and the Spansion fabrication plant. The Council ultimately approved a new ITR zone of approximately 68 acres.

The key findings of the Workspace Demand Analysis indicate that the Silicon Valley economy will continue to shift from manufacturing jobs towards high-value research, professional, and technical service sector jobs. This shift will result in an overall intensification of use, and a shift away from lower density R&D buildings towards office and new types of R&D buildings.

An optimistic evaluation of future job growth in Sunnyvale indicates potential demand for about 8.1 million square feet of workspace over the next 20 years. The City has limited vacant industrial land to accommodate future growth, but a surplus of vacant buildings, and significant underutilized industrial land with redevelopment potential.

Redevelopment would provide an opportunity for over 20 million square feet of new workspace development under permitted industrial development densities. The large majority of future workspace development potential will come from three industrial sub-areas: Moffett Park, Peery Park, and Oakmead (AMD area).

The overall capacity for workspace in the City of Sunnyvale is estimated at 23 million square feet, including vacant buildings, vacant land, and redevelopment potential. This represents close to three times the expected workspace demand over the next 20 years. About 27 percent of the projected workspace demand over the next 20 years could be accommodated in existing vacant building space. The remaining workspace need of about 6 million square feet must be accommodated primarily through redevelopment. As the market improves, redevelopment will occur in the most competitive and financially feasible locations, with Moffett Park likely to capture the majority of redevelopment. A significant portion of the new workspace is likely to be Class A office and R&D space in buildings with three or more stories as the economy continues to shift away from product testing and production to higher end research and services.

As workspace needs shift increasingly to higher density office and R&D product types, the City's ability to attract new workspace development and users will depend, in part, on the opportunities provided for such development. These developments will increasingly require FARs greater than the traditional 35

percent industrial density. A large number of new workspace developments will require densities in the 40 to 60 percent range, with mid-rise office building served by structured parking reaching densities as high as 250 percent. Although not part of this application, the City could consider expanding the number, size, and permitted density of its intensification sites in order to maximize its attractiveness to future workspace developments and businesses.

The Workspace Demand Analysis concludes that, given the level of redevelopment potential, the City could rezone some industrial land to allow for residential development without reducing its competitiveness for workspace development. The City could strategically reserve the most competitive workspace locations while allowing residential conversions of industrial areas in less competitive locations.

The Workspace Demand Analysis findings indicate that in order to make the optimum use of the City's existing industrial areas, intensification is needed in other industrial areas to achieve the type of Class A and R&D workspace that will be in demand over the next 20 years.

Rezoning

Rezoning Change Under Consideration: Rezone the site from M-S (Industrial and Service) to R-5/MU (High Density Residential and Office/Mixed Use).

Discussion of Rezoning: The site is currently zoned to allow for a variety of commercial and industrial uses such as office, R&D, retail, hotels, and restaurants. It is not zoned to allow for residential uses, except incidental uses. The surrounding area is similarly zoned and contains predominately industrial/office, although residential mobile home parks are located across Lawrence Expressway. The properties to the west are currently zoned Industrial and Service (some sites are also zoned with a Places of Assembly (POA) Combining District); there is an existing 72 room hotel and several industrial/office buildings. To the north is Highway 237 and Baylands Park. The properties to the east are zoned Industrial and Service and are occupied by a number of industrial/office buildings. There is also a City Fire Station fronting on Lawrence Station Road. The property to the south (across Elko Drive) is zoned Industrial and Service (MS) and is currently occupied by a Chevron self-service gas station. All adjoining sites have a General Plan Land Use of Industrial.

The City Council directed staff to explore a range of possible housing densities, including R-3 (medium density), R-4 (high density), and R-5 (high density with office). To determine an appropriate density for an area with no existing residential projects staff reviewed the closest residential projects and similar multi-family projects near transit corridors.

Adjacent Residential Projects: The nearest residential developments are Casa de Amigos, Plaza del Rey, and Adobe Wells mobile home parks. They are in the R-MH Zoning District that allows single-family or duplex mobile home dwelling units at an approximate density of twelve units per acre. South of the R-MH zones are the Lakewood and Fairwood neighborhoods at an approximate density of seven to eight units per acre.

Projects Near Transit: In reviewing the density and other multi-family projects located near transit corridors staff found the following similar large scale developments: Essex (Fair Oaks and Tasman) will contain 50,000 square feet of commercial and 290 residential units at a density of 45 units per acre; Avalon Apartments (Lawrence Expressway and Highway 101) currently contains 2,000 square feet of commercial and 709 residential units at a density of 45 units per acre; Four Points Sheraton site (Lawrence Expressway an Lakeside) is approved for a 255 room hotel and 244 residential units at a density of 46 units per acre; and Taylor-Morrison (Duane and Lawrence Expressway) contains 304 residential units at a density of 42 units per acre (R-4 District). Smaller scale residential projects near transit corridors are zoned R-3 (Medium Density) and are developed with townhomes at a density of 18-24 units per acre. These include two projects on Aster Avenue at Lawrence (KB Home and Citation Home) and multiple projects near Tasman and Fair Oaks (Pulte Homes, Classic Communities, Toll Brothers, and Standard Pacific Homes).

Appropriate Site Density: The developer has requested the City Council approve a zoning district that would allow them to construct a project of similar density to the other large scale projects outlined above. The proposed housing type is multi-level condominiums at a density of 51 units per acre. One alternative to the requested Rezoning is to consider designating the site for Medium Density Residential. Medium density would most likely result in a townhouse project with residential (or three story flats) and commercial components separated on-site. A density of up to 24 units per acre could be achieved (with a 75% minimum density of 18 units per acre). At 24 units per acre, 159 units would be achieved; with a 15% density bonus 179 units could be achieved. This density would result in a significantly different project. Small unit projects at an R-3 density of 24 units per acre would be similar to the KB Home or Citation Homes projects on Aster Avenue at Lawrence Expressway.

A second alternative is to consider a Rezoning that would allow them to construct a project under the High Density (R-4) category. This would likely result in a multi-level condominium project with residential and commercial components vertically mixed, similar to the proposed development. A density of up to 36 units per acre could be achieved (with a 75% minimum density of 27 units per acre). The total number of units would be a maximum of 238 without the density bonus and 273 with the bonus. This density could result in a different project with the total number of hosing units significantly lowered. A reduced number of units

from the developer's perspective may make the project financially infeasible, depending on the value of the land.

Expected Impact on the Surroundings: The majority of the area around the site is zoned Industrial and is occupied by general office or research and development uses. The City is currently experiencing some compatibility issues in the existing ITR conversion areas. Businesses are trying to address adjacent residents' concerns of noise, parking, aesthetics, while continuing to operate in the same manner they were operating prior to the adjacent residential use. The zoning use conflicts between residential and industrial uses may lead to disinvestment in these industrial areas as businesses face uncertainty about their ability to continue operating in an area that is being converted to other uses. If residential uses are allowed in the Woods area, staff expects similar impacts to the surrounding businesses to occur.

Excepted Noise Impact on the Surroundings: Businesses in industrial and commercial zone areas are allowed to operate under a higher noise standard (75 dBA on a 24-hour basis) standard than businesses adjacent to residential properties (60 dBA/day and 50 dBA/night). If the subject site is redeveloped with a residential use, the more restrictive SMC noise standard of 60 dBA/day and 50 dBA/night will apply to the adjacent businesses. There is no provision in SMC to grandfather in existing industrial noise levels when an adjacent residential development occurs.

A noise issue associated with outdoor industrial activities has been raised in two locations in the City's ITR zones: Pine Cone Lumber and Calstone/Peninsula Building Supply. In both cases, the businesses applied for Variances from the City's noise standards in order to continue their normal operations. The Variances were granted due to the unique uses which are necessary outdoor activities. Staff believes noise issues may arise with the current businesses operating adjacent to the subject site. In particular, the Federal Express distribution center located at 1286 Lawrence Station Road, which can operate on a 24-hour basis.

Special Development Permit

Staff is not recommending a change in the General Plan Land Use Designation or Rezoning to a residential zoning district, although this report discusses and analyses the proposed project, should the City Council change the General Plan Land Use Designation and Zoning for the site to High Density Residential and Office/Mixed Use (R-5/MU).

Present Site Conditions: The project site includes two parcels totaling 6.63 acres with two industrial/office buildings that were developed in 1970.

Use: The proposed project consists of 338 mid-rise condominium units (including 16 live/work units) and 16,000 square feet of commercial retail space.

Site Layout: The site is bound on four sides by roadway or highway on-ramp. Vehicle access cannot be taken from the Lawrence Expressway or the Highway 237 sides. All access will be from the Lawrence Station Road frontage. Three driveways will serve the project leading into two separate parking structures and one small surface parking lot. The surface lot is intended to serve primarily the commercial tenants.

The site is configured so the commercial portion of the project is located along the south end of the site near Elko Drive. There is 16,000 square feet of commercial retail and/or restaurant proposed on the first floor of this part of the building. There are four stories of residential units above the retail area. The 338 residential units surround two parking structures and three primary courtyard areas. The two parking structures will provide residential occupant and guest parking spaces. Each parking level will have access into the adjoining level of the condominium building. Average floor heights of 10-11 feet high are typical for both parking structure levels and residential floor to ceiling heights. Open space areas and residential serving site amenities are placed throughout the site.

Lot Coverage: The maximum lot coverage under the R-5/MU zoning standards is 40%. The applicant is requesting 51.7% lot coverage based on the difficulty of designing a project that both meets SMC requirements and takes advantage of the City's 15% density bonus program. Staff and the applicant have worked together to resolve this issue through several significant redesigns of the site plan but have been unable to reach an obvious solution to this issue. Staff concurs with the applicant's assertion that meeting both SMC requirements and the City's offered density bonus is a challenge but also acknowledges that deviations from the maximum lot coverage are rarely granted. In cases where lot coverage exceptions have been granted, applicants (typically single-family projects) have been able to demonstrate a hardship or unique situation that would allow the lot coverage requirement to be relaxed. While staff acknowledges that this is a difficult project to design under City development requirements, it does not meet the classification of a hardship or unique circumstance. The decision to place parking within free-standing structures rather than underground parking or podium style parking, results in greater lot coverage. Therefore staff is recommending a condition of approval for the project to be modified to meet the 40% maximum lot coverage requirement with an option to include below grade parking.

Percentage of Commercial Square Footage: Staff is recommending the new Mixed Use Combining district require a minimum of 10% FAR for commercial and office square footage. The developer is proposing both commercial retail area and live/work units. The 16,000 square feet of commercial area proposed totals 5.5%.

For this project, the ground floor of the live/work units will be commercial (approximately 800 sf.) and the second floor loft area will be the residential living area (approximately 400 sf.). Staff considered a portion of the live/work units as commercial square footage, as allowed under the Mixed Use District. Staff recommends that a maximum of 50% of the non-residential area for each live/work unit shown on the unit plans (primarily ground floor areas only) can count towards this requirement. The reasoning is that many cities have found that only a portion of live/work units end up being true live/work spaces and instead the commercial area is used as additional residential space. The 50% allowance is consistent with the new Mixed Use District standards. If 100% of the non-residential floor area is counted towards the commercial requirement the site would meet the minimum required 10% commercial/office FAR.

The total commercial percentage from the live/work units equals 6,152 square feet which totals 2.1% FAR. The total of both the live/work units and commercial retail is 22,125 square feet or 7.67% of the site. This amount is short of the new Mixed Use District's requirement of 10% FAR. The applicant has stated the reason for the reduced commercial space is due to the projected market demand. They believe any commercial space over 16,000 square feet will be difficult to lease and will likely remain vacant. Staff understands this concern but believes the minimum 10% commercial FAR should be applied if this site is to be Rezoned to a Mixed Use Combining District. If market demands are not sufficient to fill the minimum 10% FAR, this site may not be appropriate for a mix of uses. Staff is recommending a condition of approval that the project be required to incorporate a minimum of 10% commercial FAR space, allowing 50% of the live/work areas discussed above to be included in the 10% FAR.

Parking: The project provides a total of 667 parking spaces on-site, including 329 customer/guest spaces and 338 reserved resident spaces. The total number of parking spaces was determined by using 2005 Urban Land Institute (ULI) shared parking standards for mixed use projects. The standards tabulate parking totals based on peak-hour trips generated by the different uses in the mixed use project.

On February 26, 2008, the City Council made a series of policy decisions as part of a study issue to enhance parking requirements for residential and commercial zoning districts (RTC 08-061). This policy requires a number of conditions of approval be incorporated into multi-family projects. These have been included under condition of approval Enhanced Parking section in Attachment B.

Pedestrian Circulation: Pedestrian access to the site will come from Elko Drive as well as Lawrence Station Road. Pedestrian facilities in the project area will include new sidewalks on Elko, Lawrence Expressway, and Lawrence Station Road. The surrounding industrial area contains only a minimum of sidewalks and crosswalks that can be utilized by pedestrians. Across Lawrence Station Road from the project site there is an existing sidewalk leading approximately half

way from Elko Drive northward towards Highway 237. The City's Transportation and Traffic Division has reviewed the project and recommends a new lighted crosswalk be installed to connect the new sidewalk to the portion of the existing sidewalk on the east side of Lawrence Station Road. This has been included as a Recommended Condition of Approval.

On-site pedestrian circulation will be extensive throughout the development. Residents will have access to the walkways and sidewalks leading around the periphery of the site. The pathways will connect the large open space area on the northern part of the project with the eastern landscape area and new public sidewalk on Lawrence Station Road. The landscaped courtyard areas will include short internal paths leading to usable outdoor areas.

VTA Opportunity Zone: The project site is also located within one-third mile of a light rail transit station, which is defined by the Valley Transportation Authority (VTA) as an opportunity zone for transit-oriented development. The VTA uses a criterion of one-quarter to one-half of mile when locating high density projects adjacent to or near transit. The VTA has several recommended design guidelines, such as internal pathways providing convenient pedestrian access through the project site to the transit stop, which facilitate the use of mass transit and information kiosks on-site. Staff will continue to work with the applicant to incorporate these guidelines where feasible.

The City has a Council policy on "Residential Transportation Demand Management" to promote a range of transportation options in the City. The City endorses location of high density development within one-third of a mile along major transportation corridors and transit lines. The Tasman/Fair Oaks Light Rail Corridor area is a targeted action area for implementation of Transportation Demand Management guidelines in the City.

Connection Plan: The applicant has offered a VTA Light Rail connection plan that includes off-site construction of sidewalks, lighted crosswalks, and landscaping (see Attachment E for details). The connection plan is intended to eliminate gaps in the pedestrian path of travel between the project and the Vienna Light Rail station on Tasman. In addition, the applicant is offering every apartment (not each resident) a one year VTA Eco Pass, which allows unlimited access to all VTA services. The applicant's connection plan has been included in the conditions of approval.

The following Guidelines were considered in analysis of the project site design:

Design Policy or Guideline (Site Layout)	Comments
City-Wide Design Guidelines **Site Design B9:** *Residential projects may have a primarily internal orientation for privacy, providing the site is visually linked with its surroundings by appropriate use of landscaping and building siting.*	The proposed project offers private open space (courtyard/balcony areas) to each unit and internal circulation through private drives. Additional landscaping throughout the site will provide an attractive overall streetscape. A visual link between this project and adjacent parcels is difficult since the surrounding uses are industrial/office.
Site Design: *New development shall adhere to the character of the existing neighborhood and be integrated into the surrounding development. New development shall not dominate or interfere with the established character of its neighborhood. Site design of projects shall be cohesive both functionally and visually.*	The adjacent properties are industrial/office in character and this project will be residential and commercial in character. It is located at a major intersection and near a major public transportation (Light Rail) and bus stop.
Site Organization B1: *Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.*	The project was designed with the commercial retailers on the side of the project with the highest visibility. Other site components have been designed accordingly.

Architecture: The architect's plans propose a modern/contemporary style of architecture that is broken into three similar but distinctive building themes. Detailed information on the proposed architecture (streetscape views, elevations, enlarged details, and materials) can be found in the plan set in Attachment F. The structures will consist of stucco materials for the exterior siding combined with a variety of colors, textured siding materials, wood trellises, and metal trim railings.

The first floor units that front on Lawrence Station Road will have entrances presenting towards the street to help create a more traditional residential streetscape. These units will be the live/work units and leasing offices, helping to tie into the industrial/office uses across the street.

Based on comments received at the Planning Commission study session and from the City's consulting architect, the architect has completed a number of revisions to the initial architecture. Staff and the developer have worked extensively on this issue, and staff believes the architecture is closer to meeting the goals of the City-Wide Design Guidelines. Staff is recommending the following detail revisions as conditions of approval:

- The building elevation fronting on Lawrence Station Road shall be redesigned to incorporate additional rooflines, awnings, tower features, or other elements, with the intent of breaking-up the appearance of a long, repeating building form.
- The pedestrian and vehicle entrances shall redesigned and enhanced to be stronger and more architecturally interesting features, similar to the red-arched pedestrian entrance proposed on Lawrence Station Road.
- The split face CMU wall proposed for the Lawrence Station Road frontage shall be enhanced with a stone material.
- The upper-story residential unit railing design (guardrails) shall be enhanced to be more architecturally interesting and significant. The final design shall be subject to review and approval of the Director of Community Development.
- The interior (courtyard) building elevations shall be the same quality and detailing as the exterior elevations.
- All exposed parking structure elevations (not directly attached to residential units) shall have the same design as the north parking structure elevation shown on page 13 or Attachment F.
- The design of the sound wall on Lawrence Expressway and Highway 237 shall be subject to review and approval of the Director of Community Development.

Building Height: The maximum height of the buildings, as measured from the top of curb of the nearest public street is up to 66½ feet to the highest point of the retail/condominium building. This building is five stories high, including four levels of residential over one level of retail. The condominium/parking structure building is up to 55 feet high with four levels of residential and six levels of parking structure. Under the R-5/MU zoning district, the maximum height is 65 feet high and a maximum of five stories.

While the retail/condominium building is exceeding the maximum allowed height limit of 65 feet by 1½ feet, it is possible to redesign the building to comply with SMC. This would likely result in a reduction of the first floor retail ceiling heights by from 20 feet down to 18½ feet high. Staff is not recommending this modification since 20 feet retail floor to ceiling heights are important in creating strong, viable retail tenant spaces. Staff is supporting this deviation.

Building Stories: The project also exceeds the required number of stories by one in the condominium/parking structure building. It is possible to redesign the

building to comply with SMC, but would likely require a reduction in the overall number of units to correspond a reduction in one level of parking area (~70 spaces). If the number of units remains the same, compliance with SMC would likely create a reduction in the number of two bedroom units and a corresponding increase in the number of one bedroom units. Staff is not recommending a modification at this time since the Mixed Use Combining District allows building heights to be up to 65 feet high. The actual number of stories within the 65 feet is typically not a determining factor when assessing height impact. In addition, staff believes the structured parking is an important component of the project's livability for the future residents and any significant reduction in parking spaces could result in a loss of approximately 35 units. Therefore staff is supporting the one story deviation.

Parking Structures: The parking structures are internally located within the condominium buildings in a "wrap" design. Under this design residents and guests can access the individual residential floors from the adjacent parking structure level. This is intended to create a more convenient lifestyle by making access to and from parking areas simpler.

The northern elevation of the north structure is the only exposed side of the garages. The elevation can be viewed from Highway 237 and the large open space area near Highway 237. The architect is proposing that the structure have a hanging garden system that incorporates vines and shrubs on the exterior. This design will create the effect of softening and greening the structures. This planted wall will tie into the mature trees directly adjacent to the structures and to the extensive landscaping proposed for the rest of the project.

Staff believes the hanging garden will make the structures architecturally significant and be compatible with the design for other elevations of the project. Staff also finds that this design will help to reduce the high visibility of the structure from the ground level open space area. However, if the landscaping is not maintained properly the garden wall can easily fail. A condition of approval has been included to require the hanging garden feature.

Residential Floor Plans: The residential floor plans include four levels of living units. The units are accessible from the interior of the building, the parking structures, and the exterior. All units above the first floor have 80 square foot balconies, off of which are 181 cubic foot enclosed storage closets. There are three, third floor open space recreation areas accessible to residents.

The following is a summary of the proposed sizes and square footages for the units. The unit sizes do not include the any garage areas:

Unit Type	Number of Units	Unit Type	Unit Sizes (excluding garages)
Plan A	24	Studio	583 sf.
Plan B	180	1 Bedroom & Jr.	723 sf.
Plan C	118	2 Bedrooms	977 sf.
Live-Work	13	1 Bedroom	1,553 sf.
Live-Work	3	2 Bedrooms	2,047 sf.
Totals	**338**		

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

Design Policy or Guideline (Architecture)	Comments
City-Wide Design Guidelines Scale and Character B1: *Break up large buildings into groups of smaller segments whenever possible, to appear smaller in mass and bulk.*	The proposed building design with the conditions of approval incorporated, will have articulation, colors, material, and multiple exterior designs in order to visually break up the building.
Scale and Character B2: *Adjacent buildings shall be compatible in height and scale.*	There are no other adjacent multi-family projects at this time. Industrial buildings are allowed up to eight stories and 75 feet high, with up to 45% lot coverage.
Architecture and Design C1: *Maintain diversity and individuality in style but be compatible with the character of the neighborhood.*	The architectural styles of the project with the conditions of approval incorporated, will be unique relative to the adjacent industrial/office buildings. Since the adjacent buildings were designed for industrial uses, the proposed residential architecture will not be architecturally compatible with the surrounding industrial neighborhood.
Architecture C9: *Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.*	The architecture of the buildings with the conditions of approval incorporated, will have a number of design elements that create a high-quality product, including enhanced entryways, strong retail character, metal railings, and cornice rooftop features.

Green Building Requirements: In 2008 the City Council approved a framework for sustainability to encourage and require sustainable development practices. The ordinance is expected to become effective in early 2009. The developer has submitted a letter as part of the EIR stating they have an internal policy to provide green building features on all new projects. The letter also states that due to the uncertainty of the green building certification industry at this time, they are not offering that the project will achieve a certification at this time.

Based on the recent City Council action, staff is recommending a condition of approval for the project achieve either a basic US Green Building Council LEED silver certification level or a Build It Green Rated Checklist of 70 points.

Landscaping: Residential uses within the R-5 Zoning District are required to provide a minimum of 380 square feet of usable open space and 375 square feet of landscaping per unit. The project does not meet the minimum requirements for usable open space and deviations from this requirement have been requested, as discussed below. The project does, however, meet the landscaping requirements with 438 square foot of landscaping per unit.

Under SMC open space areas located in the required front yard areas are not counted towards the minimum usable open space. In this case, the project site has a 20 foot front yard requirement for most sides of the project. The developer has requested a deviation from SMC for two areas. The first area is the landscaping along Lawrence Expressway and the Highway 237 on-ramp. This area will have a sound wall at least eight feet high and will function as a usable open area for residents. The second area is the front patios of the live/work units. The patios will be used by future residents as passive recreation zones. Understanding the constraint of the site, staff believes there is sufficient justification for counting two landscape areas in the 20 foot front yards as usable open space as a deviation from SMC.

Trees: The applicant has submitted an arborist's report showing there are 129 trees representing 8 species on site, of which 78 are considered protected trees under SMC (greater than 38 inches in circumference measures at four and a half feet high). Most of the trees are in fair health and located internally to the existing project. The arborist's report identifies a number of trees (approximately 25) located on the periphery of the site that are in good health and which can be saved. Most of the trees to be saved are on the Lawrence Station Road and Elko Road frontages.

The applicant's landscape plan is a significant upgrade compared to the existing landscaping. The project includes the installation of numerous new trees of varying species and the addition of bushes/shrubs throughout the site. A landscaping/irrigation plan with types, quantities, and sizes of trees and shrubs has been submitted and can be found in Attachment F. Staff is recommending a

condition of approval that all new street trees and new trees along the Lawrence Expressway/Highway 237 frontage are at least 24-inch box trees.

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

Design Policy or Guideline (Landscape)	Comments
City-Wide Design Guidelines **Landscaping A2:** *Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.*	The project proposes to save a number of existing trees and to add numerous new trees and other landscaping throughout the site.
Landscaping A4: *Properly landscape all areas not covered by structures, driveways, and parking.*	The site meets the total landscaping requirement for each unit and will provide landscaping in all areas not devoted to structures, driveways, and parking. With the requested deviations, the project will meet the minimum required usable open space requirement.
Site Organization B14: *Design multi-building residential complexes to differentiate between private, semi-private, and common spaces through building placement, landscaping, etc. Delineate each space for proper use and access by residents.*	The site design creates a combination of private, semi-private, and common landscape areas. The areas are properly delineated through the use of low patio walls, pathways, and private balconies, to allow proper use and access by residents.
Open Space C8: *Provide direct access to common useable open space from buildings. Common open spaces shall be useable for recreational purposes.*	The internal pathways provide direct access between buildings, parking areas, and open spaces. The common open spaces provide recreational opportunities including a clubhouse for community meetings, children's playground area, and pool.

Use of Separation Wall: The Sunnyvale Municipal Code requires a decorative masonry/sound wall separating residential uses and highways. In this case, only the eastern property line adjacent to Highway 237 and the on-ramp would be required to have a masonry sound wall. The EIR has identified an additional wall placement and height to mitigate the noise from both Lawrence Expressway and Highway 237.

Clubhouse: All multifamily residential projects over 50 units are required to provide a community room. To meet this requirement, the applicant is proposing a clubhouse of 3,000 square feet and separate fitness room.

Required Storage: SMC 19.38.040 requires multi-family residential projects to provide a minimum of 300 cubic feet of separate, lockable, and weatherproof storage space. The project meets this requirement by providing storage closets located on the private balconies and consolidated storage closet rooms in two locations in the parking structures.

Residential Transit Demand Management (TDM): The City of Sunnyvale has adopted Transportation Demand Management site design guidelines for areas near major transit stops. The subject site is near the VTA Light Rail Vienna and Reamwood Stations and is subject to the site development standards. The project is in conformance with the requirements and staff is recommending a condition of approval that the project include an informational kiosk/information display on site to identify transit and rideshare opportunities.

Bicycle Parking: Based on the VTA *Bicycle Technical Guidelines*, the recommended bicycle parking supply is one Class I space per three residential units and one Class II (secured) space per 15 units. For the commercial uses, the recommended supply is one Class I per 30 employees and one Class I per 6,000 square feet. For this project the following bicycle parking supply is recommended by the VTA:

Residential: 112 Class I and 23 Class II
Commercial: 1 Class I per 30 employees and 1 Class II per 6,000 s.f.

The applicant is proposing to meet these requirements with racks throughout the site and a central bicycle room. The final number and location of bicycle parking spaces will be determined prior to building permit issuance.

The following Guidelines were considered in analysis of the bicycle parking:

VTA Bicycle Technical Guidelines (Bicycle Parking)	Comments
Residential: 112 Class I and 23 Class II **Commercial:** 1 Class I per 30 employees and 1 Class II per 6,000 s.f.	Provision of bicycle parking helps promote alternative modes of transportation. The projects will meet the VTA suggested guidelines

Trash Enclosure: The applicant is proposing a multi-chute system to accommodate trash and recycling for the residential units. The chutes will be accessible from all levels of the buildings and will lead to bins at the base of the building. The trash and recycling bins will be stored in the trash enclosure areas under and outside of the building and led out to a trash staging area on pick-up day. Moving the bins out to the staging areas will be the responsibility of the on-site management or the residential homeowners association in the future. The proposed trash enclosure recommended placements were determined by a consensus of the Traffic Division, Solid Waste Division, and Planning Division. Final solid waste and recycling plan will be approved by the Solid Waste Division prior to building permit issuance.

All commercial waste and recycling will be colleted in large volume bins and will be located near the back of the retail area, nearest Lawrence Expressway.

Stormwater Management: Although the impervious surface of the site is proposed to be reduced by approximately 12%, the project still exceeds 43,560 square feet of impervious surface and is classified as a Group 1 project. The project is therefore required to manage post construction stormwater runoff on the site through the inclusion of Best Management Practices (BMP). BMPs either reduce the amount of impervious surface on the site or provide methods of treatment and reduced flow rates of stormwater. The applicant has included a variety of treatment methods including the use of grasscrete type paving for the fire access drive around the project, drainage to landscaped areas, mechanical in ground devices intended help reduce stormwater runoff.

Art in Private Development: As a non-residential project (commercial portion) located on a site greater than two acres in size the project is subject to the inclusion of art in private development as requirement in SMC. The project is required to include art at a value of 1% of the commercial construction valuation of the project.

The applicant is proposing a "history walk" along Lawrence Station Road. This will consist of approximately ten interpretative stations that will lead visitors through an experience of Sunnyvale's history and past accomplishments. It is not known at this time if the "history walk" will qualify as the public artwork requirement for the project. This decision will be made by the City's Arts Coordinator and Arts Commission at a later date. If the walk does not qualify, or cannot be modified so that it will qualify, the developer will be required to submit another proposal to meet this requirement.

Staff has included as a Recommended Condition of Approval to require 1% of the construction valuation for the live/work unit portion of the project as well. This recommendation is based on acceptance of the live/work units as a portion of the minimum commercial requirement under the Mixed Use Combining District.

Below Market Rate (BMR): This project will require a total of 46 Below Market Rate (BMR) Units, to meet the City's requirement of allocating 15% of rental housing units as BMR units. The 15% is based on the maximum allowed number of units (304) calculated before the 15% density bonus is utilized. The BMR units will be selected in accordance with the City of Sunnyvale Below Market Rate Housing Program Administrative Procedures. The applicant has signed a BMR Standard Permit Conditions document with the Community Development Department.

Transition from Apartments to Ownership Units. While the developer is not proposing ownership units at this time, the project does include an application for a Vesting Tentative Map for condominium purposes. The map will allow conversion from rental to ownership housing in the future. If and when the condominium map is exercised and there is a change from rental to ownership, the project will be affected in three ways:

1. Change in the number of required BMR units. If in the future the dwelling units are sub-divided and sold as separate ownership units, the BMR requirement for the ownership units at the time of the application will apply.
2. Triggers the Condominium Conversion section of the Subdivision Map Act when apartments are ultimately sold to individuals.
3. Requires the filing of CC&Rs with the final map.

The methods for transitioning from the 15% BMR rate for apartments to the current BMR rate for for-sale units shall be in accordance with the terms of Sunnyvale Municipal Code 19.66 and be detailed in a Deed restriction on the property. The deed restriction is intended to assure that tenants and potential buyers are afforded the same protection as would be required for a condominium conversion.

Compliance with Development Standards: The applicant is requesting five deviations from SMC through the SDP permit. The following table outlines these deviations and the applicant's justification. For more information on the applicant's justification, see Attachment D.

Requested Deviations	Justifications
• Building stories of six where five is the maximum allowed in MU Districts.	• The number of stories is secondary to maximum height limit measure.
• Building height of 66'6" where 65' is the maximum allowed in the R-5/MU District.	• Building heights in the surrounding Industrial Zone can be up to 75 feet high and eight stories. Additional height helps meet other required standards.

Requested Deviations	Justifications
• Lot coverage of 51.7% where 40% is allowed.	• The project is proposing a wrap style parking garage which creates additional lot coverage relative to underground parking or podium style buildings.
• Minimum commercial square footage of 7.6% where 10% is the minimum allowed under the Mixed Use Combining District.	• The project has been designed to meet the projected market demand for commercial tenants in this area, which is estimated at approximately 7%.
• Usable Open is permitted to be counted in the required front yard areas.	• Greater consolidated open space is provided in the common open space areas and a larger clubhouse is provided.

Expected Impacts on the Surroundings

A complete discussion of the expected impacts can be found under the General Plan and Rezoning discussions.

Expected Impacts on Sunnyvale Schools

The project site is located within the Santa Clara Unified School District. The students generated from the proposed project would likely attend George Mayne Elementary School in San Jose (Alviso approximately three miles northeast of the project site), Peterson Middle School in Sunnyvale (approximately five miles south of the project site), and Wilcox High School in Santa Clara (approximately three miles north of the project site).

Based on the District's student generation rates, the proposed project would generate between 38 and 47 kindergarten through twelfth grade (K-12) students (approximately 24 to 30 kindergarten through fifth grade students, seven to nine sixth through eighth grade students, and seven to nine ninth through twelfth grade students).

Implementation of the proposed project would incrementally increase the number of school children in the project area. This would result in increases in school children attending the local public schools. Currently, George Mayne Elementary School and Peterson Middle School have sufficient capacity to accommodate project generated students. Wilcox High School is currently over capacity. The District would need to add portable classrooms to Wilcox High School to accommodate the project generated high school students. The addition of portable classrooms is not anticipated to result in significant environmental

impacts. State law requires that impacts to schools are mitigated through payment of fees. Development associated with the proposed project would not result in the need to construct a new school.

Tentative Map

General Description: The proposed project requires a Vesting Tentative Map to merge the two parcels, totaling 6.63 acres into one parcel with 338 condominium lots. The developer is not proposing to create ownership units at this time and has stated the units will be for rental purposes. The Vesting Map will however, allow the project to be converted from rental to ownership housing at any time after the condominium conversion process is completed.

Easements/Undergrounding: There are no overhead utilities located at the site. All new services are required to be undergrounded.

Park Dedication In-Lieu Fee

This project is subject to Park Dedication In-Lieu Fees. The park dedication fees for this project are estimated to be $9,408.96 per unit. This fee shall be collected prior to action on a Final Map.

Transportation Impact Fee

As required by City code when there are new PM peak hour trips, Traffic Impact Fees will be required for this project. The final fee is calculated at the time of Building Permit issuance. Based on the applicant's proposed project the fee is estimated at $338,114.

Fiscal Impact

Property Tax: Relative to the redevelopment of the site and subsequent reassessment of property taxes; it is a generally accepted notion that residential property taxes only cover the increase in services the City must now provide to the new residents. This concept is true in the case of single-family residential developments, where the City is responsible for maintaining the streets, infrastructure, and other services necessary for the new residential units. The concept is not as relevant for multi-family types of housing units, particularly in the instance where a project is high-density housing. These types of developments are less land intensive and require a minimal amount of new streets and physical infrastructure. Although multi-family housing will require a similar amount of services from Public Safety, they will require fewer City services for such items as street sweeping, street tree service, solid waste service, etc.

Retail Sales Tax: The project will contain between 16,000 and 28,000 square feet of commercial/office uses. The tenants that will occupy these spaces are not

known at this time. The preliminary market demand studies indicate there would likely be neighborhood serving food uses and service oriented businesses. These uses will likely generate some sales tax revenue for the City but it is not anticipated to be an appreciable amount.

Public Contact

The applicant held a neighborhood meeting on October 4, 2007 at the project site where property owners and residents within a 300 foot radius were sent invitations. Approximately five interested members of the public attended this meeting. The applicant gave a brief overview of the project and fielded questions from the public. In general, most questions concerned the timing of the development.

Planning Commission Study Session: A Planning Commission study session was held for the item and the associated project on December 10, 2007. At that meeting, the Planning Commission expressed concern over the following issues: impact on the Woods, architecture, LEED certification, access to the site and, new Mixed Use Combining District criteria. The Commission also felt the project had many positive aspects, including: retention of the mature trees, and good concept of high density housing near transit.

A final Study Session was held on September 8, 2008. At that meeting the Commission stated concerns with the proposed architecture, including: lack of detailing, long building frontage, and uniform height of building. The Commission stated positive aspects of the project, including: live/work units, saving existing trees, and rounded building elements.

Notice of Public Hearing	Staff Report	Agenda
• Published in the *Sun* newspaper • Posted on the site • 990 notices mailed to the property owners, tenants, and residents within 300 ft. of the project site	• Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library	• Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Generally, staff believes the developer proposes a quality project but the location selected for the project is inappropriate. Based on the character and use of the existing neighborhood, staff believes the project will change the character of the existing neighborhood and will impact the surrounding businesses, as previously

discussed in the General Plan and Rezoning sections. Additionally, future residents would be exposed to significant air quality and noise impacts.

Staff also believes that this project provides a high quality residential project with the following benefits to the City: mixed use project; 338 new residential units; 46 Below Market Rate housing units; high density housing adjacent to a major transportation corridor; and additional rental housing opportunities. Staff is able to support several of the deviations from SMC requested but is requiring the project meet the 40% lot coverage and the 10% minimum commercial square footage. In a recent communication from the applicants they indicate that underground parking is not feasible at this location due to shallow ground water. Staff was has not received any information to this end and has suggested the applicant may want to provide this additional information for Planning Commission and City Council consideration. If the information supports the infeasibility of underground parking at this site, there may be justification to allow greater lot coverage for a project of this density. Alternatively, there may be justification for taller buildings at this location (with parking provided in structures at grade below the residential units).

Findings and General Plan Goals: Staff was not able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

If the Luminaire/Lawrence Station Road Environmental Impact Report and Title 19 Amendment for the Mixed Use Combining District are recommended for approval to the City Council, then recommend the City Council take the following action:

Alternative #1:

- Do not introduce a Resolution to adopt the Statements of Overriding Consideration for air quality impacts associated with the effects of diesel particulate matter on future project residents and related to the project's contribution to cumulative regional air quality impacts.
- Do not introduce a Resolution to amend the General Plan land use designation from Industrial to Very High Density Residential,
- Do not introduce an ordinance to amend Sunnyvale Municipal Code Title 19 to Rezone the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),
- Do not approve the Special Development Permit and Vesting Tentative Map.

Alternative #2:

- Introduce a Resolution to adopt the Statements of Overriding Consideration for air quality impacts associated with the effects of diesel particulate matter on future project residents and related to the project's contribution to cumulative regional air quality impacts.
- Introduce a Resolution to amend the General Plan land use designation from Industrial to Very High Density Residential,
- Introduce an ordinance to amend Sunnyvale Municipal Code Title 19 to Rezone the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),
- Approve the Special Development Permit and Vesting Tentative Map with the attached findings and conditions.

Alternative #3:

- Introduce a Resolution to adopt the Statements of Overriding Consideration for air quality impacts associated with the effects of diesel particulate matter on future project residents and related to the project's contribution to cumulative regional air quality impacts.
- Introduce a Resolution to amend the General Plan land use designation from Industrial to Very High Density Residential,
- Introduce an ordinance to amend Sunnyvale Municipal Code Title 19 to Rezone the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),
- Approve the Special Development Permit and Vesting Tentative Map with modified findings and conditions.

Recommendation

Staff recommends Alternative #1:

- Do not introduce a Resolution to amend the General Plan land use designation from Industrial to Very High Density Residential,
- Do not introduce an ordinance to amend Sunnyvale Municipal Code Title 19 to Rezone the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),
- Do not approve the Special Development Permit and Vesting Tentative Map.

Land Use Change: The continuing loss of industrial land throughout the City is a significant on-going issue. The land use change to residential would mean an irreversible change away from strictly industrial/office uses in another area of the City. In general, staff does not support the continuing loss of the industrial areas, but may support a land use change in cases where it has been found to be compatible with the surrounding area, such as adjacent to existing residential uses or ITR zones. In this case, staff believes, as a result of this project, there will

be impacts to the surrounding businesses, schools, and the City's long range plans for the industrial areas.

The change of land use to residential may also cause health impacts to future tenants of this project, as indicated in the project EIR. These are the result of air quality impacts from vehicles on the adjacent highway. As previously discussed, staff also believes there will be noise impacts to residents resulting from incompatible land use.

While the economy is uncertain at this time, the demand for high quality Class A buildings is still active. Eventually, there will be a market demand for conversion and reinvestment in Class C sites. In the interim time, the Woods industrial area should remain available for Class C buildings and available for service and start-up businesses to locate in this area should be encouraged. The Woods area is ideally situated for higher concentrations of jobs since it is adjacent to transit.

Although the development includes new commercial opportunities for the site and surrounding area, staff does not feel that conversion of the site to residential uses is warranted. The site is noted within the Community Development Strategy as a site needing reinvestment as well as retention for industrial uses. Staff finds that the preservation of industrial uses at this location is essential to long-term sustainability within the City. Sites currently zoned for conversion from Industrial to Residential are considered more appropriate for a similarly proposed redevelopment.

The City's ITR zones total 313.41 acres of land for a total possible unit count of 5,923 units. As of August 2008, only 29.3% or 92 acres of ITR zoned properties have been utilized (constructed or approved). A total of 221.56 acres or 70.7% remain today as available for housing (see table below). The total number of housing units in the 221.56 acres is 3,966 units, assuming the lowest density of 18 units per acre. At the maximum allowed density of 24 units per acre the total is 5,317 units available. The following table summarizes the City's ITR zone buildout status:

ITR Status	Acres	Percent of Total
Approved	46.86	15.0%
Under Construction	34.04	10.9%
Finaled	10.95	3.4%
No Action (70%)	221.56	70.7%
TOTAL	**313.41**	**100%**

Impact to the Wood: Staff is concerned with the compatibility of a new residential use in the Woods. The land use and zoning in this area are

predominately industrial, office, R&D, manufacturing, and warehouse use oriented; new residential uses could realistically impede the existing uses being made of the surrounding properties. As previously discussed in this report there may likely be impacts resulting from incompatible uses, noise levels, hours of operation, etc. Staff's concern is related not to the proposed project (architecture, etc.), but rather with the site where the developer has chosen to locate. Staff finds the character of the area clearly industrial and does not find a residential use appropriate for this site. Staff believes there are other more appropriate locations for residential mixed use projects throughout the City.

Staff is also concerned with potentially unforeseen impacts to the existing business as a result of this land use change. The future expansion of these businesses and existing operations may be in jeopardy if conflicts between residential and industrial uses arise. These land conflicts, as found in other ITR areas of the City, may lead to disinvestment in these industrial areas as businesses face uncertainty about their ability to continue operating in an area that is being converted to other uses. If residential uses are allowed in the Woods area, staff expects similar impacts to the surrounding businesses to occur.

Suitability of the Project Site for Residential Use: In addition to consideration of the fiscal and economic impacts of the proposed land use change, the general suitability or livability of the project area as a residential neighborhood requires consideration. The Woods is approximately 172 acres in size and is separated from Moffett Park by Highway 237. It is bound by major roads on the west and south sides, with mobile home parks across these roads. To the east of the Woods is an industrial area in the City of Santa Clara. It is located away from the Civic Center services, parks, and the Community Center and convenient schools. Although Baylands Park is across Highway 237, the park requires a five dollar entrance fee most of the year and is typically utilized for larger organized events. It is not a park easily accessed by pedestrians. The north area of Sunnyvale has also been identified as an area lacking in commercial and retail services to support residential uses.

Although the Woods has some features (proximity to transit and potential for development of supporting commercial) that might support a transition to a residential area, portions of the Woods area have recently been rezoned by the City as appropriate for Places of Assembly. Portions of the Woods have also been identified as appropriate to protect and encourage for the location of services uses needed to support a well balanced economy and to provide locally available services.

Alternatives: If the proposed General Plan amendment and Rezoning are not approved, the likely project alternative for this site would be a remodel of the existing structures or redevelopment of the site. The applicant has stated that significant reinvestment in the existing facility is not a realistic option, since its

physical condition is not suited to long-term investment. The buildings have been vacant for several years.

If redevelopment of the site occurred under the existing Industrial designation, it could be with an industrial/office or commercial use. If industrial/office, there would likely be multiple buildings with multiple stories. The remainder of the site would be used as landscaping and parking if the parking is not located in a structure. At 25% FAR, buildings would total approximately 100,000 square feet. Maximum allowed building heights in the M-S zone up to 75 feet (eight stories plus 25 feet for roof top features) are allowed under the current General Plan and Zoning regulations. An industrial/office use could produce business-to-business taxes for the City as well as an additional 300 jobs. If commercial, the square footage would typically be configured into one large retail building (generally one story), with the remainder of the site as landscaping and parking. This building could be a large retailer that could produce sales tax revenue for the City. Given the site's location on a major transportation corridor, it is conceivable a retailer would select this site.

Staff believes that in the near future, there is a high likelihood the site will be redeveloped with industrial, office, or hotel uses. This belief is based on several factors including: size of the site; the existing improvements on the parcel; proximately to Highway 237; and, the close proximity of the site to the Moffett Park area, where higher square footage buildings are allowed. Staff acknowledges the real estate market for industrial/office has decreased in the last year and is uncertain at this time, but it is not anticipated that the market slump will preclude redevelopment in the near future.

Conclusion: Based on the above discussions of the advantages and disadvantages of the project, staff believes the proposed development will not have a beneficial impact to the City. Staff believes that housing and mixed use projects are highly desirable in the community, but the site selected by the developer is not suitable for the proposed use. In addition, the project as currently proposed includes exceptions to lot coverage, building heights, and the minimum commercial MU Zone requirement, which staff cannot make the appropriate Findings to support. Staff was not able to make the required Findings, based on the General Plan, to recommend approval of this project.

Reviewed by:

_____
Hanson Hom
Director of Community Development

Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Steve Lynch, Project Planner

Approved by:

_____
Amy Chan
City Manager

Attachments:
A. Recommended Findings
B. Recommended Conditions of Approval
C. City Council Meeting minutes from February 14, 2006
D. Letter of Justification from Applicant
E. Applicant's Off-Site Improvements Offering Letter
F. Site and Architectural Plans
G. GP Map
H. Rezone Map
I. Draft Resolution to Amend the General Plan
J. Draft Rezoning Ordinance
K. Draft Ordinance for Statements of Overriding Consideration

General Plan Goals and Policies

Housing and Community Revitalization Sub-element

Goal A: *Foster the expansion of housing supply to provide greater opportunities for current and future residents within limits imposed by environmental, social, fiscal and land use constraints.*

The project will provide 338 new housing units but may have an impact on future City fiscal and land use plans.

Policy B.3: *Continue to permit and encourage a mix of residential and job-producing land uses, as long as there is neighborhood compatibility and no unavoidable environmental impacts.*

The project provides a mix of residential and commercial units but is not compatible with the existing industrial/office neighborhood. The EIR for this project requires Statement of Overriding Consideration for significant unavoidable impacts.

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 will provide new housing units in an existing industrial neighborhood that does not currently have a residential identity. This project, if approved, will significantly alter the 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 rental opportunities within a multi-family style of residential development.

Policy D.1: *Encourage innovative types of housing in existing residential zoning districts.*

The project will provide a new/innovative type of housing through the introduction of live/work units.

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

The proposal meets this goal with 304 market rate units and 46 new BMR rental units.

Land Use and Transportation Element

Goal C1: *Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scale developments.*

The project's architecture is a high quality design that will be distinctive but it will not be contribute towards the existing character of the neighborhood.

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

This project proposes rental housing units, not ownership units, although a map is being requested and the developer may sell ownership units at any time.

C3.2.3: *Encourage mixed use developments that provide pedestrian scale and transit oriented services and amenities. The intent is to provide opportunities for mixed use.*

The project will provide a mixed use project that is located adjacent to transit. While the project does not provide transit services it will provide an on-site kiosk for transit and ride share information.

C4.3: *Consider the needs of business as well as residents when making land use and transportation decisions.*

As previously stated, the conversion of this site to residential may have a negative impact to the surrounding businesses.

Policy N1.1: *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

Action Statement N1.1.1: *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

The majority of the existing neighborhood is zoned Industrial and is occupied by general office or research and development uses. The introduction of a residential use may interrupt the

operations and future expansion capabilities of the existing businesses in the neighborhood.

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

The project site is situated in an industrial zone and is not compatible with the adjacent land uses.

Community Design Sub-element

Policy A.2: *Ensure that new development is compatible with the character of special districts and residential neighborhoods.*

The project site is situated in an industrial zone and is not compatible with the adjacent land uses.

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 is creative, unique (mixed use), and will call attention to its design.

Recommended Findings - Special Development Permit

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

   Staff cannot make the first Finding based on the goals and policies of the General Plan, as enumerated above.

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.

   Staff cannot make the second Finding based on concerns that the proposed project will impair the orderly development of (expansion), and existing uses being made of (noise), the adjacent industrially zoned properties. Staff finds that this use, at this location, where the land use and zoning is predominately industrial, office, R&D, manufacturing, and warehouse use oriented, could realistically impede the existing uses being made of the surrounding properties. Staff's concern is related not to the proposed project

(architecture, etc.), but rather concerned only with the site where the developer has chosen to locate. Staff believes there are other more appropriate locations for residential mixed use projects throughout the City.

Recommended Findings - Tentative Map

Staff is able to make the findings as enumerated (1-8) for the Tentative Map, that it is not in conformance with the Sunnyvale Municipal Code and recommends denial of the map as attached.

The condominium subdivision, together with the provisions for its design and improvements, is not consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the proposed R-5 Zoning District but supports a land use that is not compatible with the surrounding neighborhood. The project does not meet the goals and policies of the General Plan, as enumerated above.

However, the approving authority shall approve the Tentative Map if it cannot make any of the following findings:

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 are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Recommended Conditions of Approval - Special Development Permit

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

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

1. GENERAL CONDITIONS

A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing by the Planning Commission.

B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. Specific Deviations allowed with this Special Development Permit are as follows:
   1. Building stories of six where five is the maximum allowed.
   2. Usable Open is permitted to be counted in the required front yard areas.

C. This Special Development Permit shall not be valid until the General Plan Amendment Resolution, Rezoning Ordinance, and Mixed Use Combining District Ordinance becomes effective after the second reading by the City Council.

D. Submit a complete plan check for the first Building Permit submittal; no partial sets are allowed.

E. Building Permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the project complies with each condition.

F. A deed restriction shall be recorded on each live/work unit parcel (airspace condominium) restricting the commercial space from residential use. The deed restriction shall state that the Homeowner's Association is responsible for enforcement of this restriction.

G. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building Permit for this project.

H. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

I. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit.

2. SITE PLAN

A. The project shall be required to incorporate a minimum of 10% commercial uses.

B. The project shall be redesigned to be the maximum 40% lot coverage allowed under the R-5/MU standards, with an option to include below grade parking.

3. COMPLY WITH OR OBTAIN OTHER PERMITS

A. Obtain necessary development permit from the Department of Public Works for all proposed off-site improvements.

4. ENVIRONMENTAL MEASURES

A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the Luminaire/Lawrence Station Road Project EIR includes mitigation measures that are incorporated into the project's approval. The Mitigation Monitoring and Reporting Program, adopted by the City Council must be complied with as a condition of approval.

B. The developer (Trumark Companies or descendant developer) shall sign an agreement with the City indemnifying the City from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City, and the City shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.

5. BELOW MARKET RATE UNITS

A. This project (2006-0712) will comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.

B. The project will provide 46 Below Market Rate rental dwelling units in compliance with SMC 19.66.

C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)

D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)

E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and 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))

F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)

G. BMR rental units - Record a "Deed of Trust" Prior to Occupancy Permit. (BMR Administrative Guidelines)

H. BMR Ownership Program – If units are converted from rental to ownership units, the Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)

I. Ownership Units - If units are converted from rental to ownership units, prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.

J. The original sale/rental price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))

K. Below Market Rate dwelling units shall be offered for sale/rent only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)

L. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.

M. 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)

N. 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. (BMR Administrative Guidelines)

6. CC&Rs (CONDITIONS, COVENANTS AND RESTRICTIONS)

A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review by the Director of Community Development and the City Attorney.

B. The Homeowner's Association shall be responsible for enforcement of all provisions of the CC&Rs and enforcement of the project requirements listed in the these Conditions of Approval.

C. The Homeowner's Association shall be responsible for implementation and enforcement of the parking management plan.

D. These Conditions of Approval shall be included as an attachment into the Final CC&R document.

E. 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 approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&Rs 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 homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&Rs pertaining to or specifying the City.
   C. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
   D. The Conditions of Approval of this SDP.

F. The CC&Rs shall contain the following language:
   A. "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.

G. 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.

H. 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.

I. 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.

J. 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.

K. Third-Party Beneficiary: The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.

L. 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."

M. The Homeowners Association shall be required to maintain and keep up to date transit information and rideshare information for display in an on site kiosk. The display shall include current VTA transit map, Caltrain station map, contact information websites and phone number for Caltrain, VTA, www.511.org, etc.

7. DESIGN/EXTERIOR COLORS AND MATERIALS

A. The architect elevations shall be revised to include the following:

1. The building elevation fronting on Lawrence Station Road shall be redesigned to incorporate additional rooflines, awnings, tower features, or other elements, with the intent of breaking-up the appearance of a long, repeating building form.
2. The pedestrian and vehicle entrances shall redesigned and enhanced to be stronger and more architecturally interesting features, similar to the red-arched pedestrian entrance proposed on Lawrence Station Road.

3. The split face CMU wall proposed for the Lawrence Station Road frontage shall be enhanced with a stone material.
4. The upper-story residential unit railing design (guardrails) shall be enhanced to be more architecturally interesting and significant. The final design shall be subject to review and approval of the Director of Community Development.
5. The interior (courtyard) building elevations shall be the same quality and detailing as the exterior elevations.
6. All exposed parking structure elevations (not directly attached to residential units) shall have the same design as the north parking structure elevation shown on page 13 or Attachment F.
7. The design of the sound wall on Lawrence Expressway and Highway 237 shall be subject to review and approval of the Director of Community Development.

B. All metal railings shown on the elevations of the condominium building and townhomes (i.e. balcony railings) shall be retained as integral features of the architecture and shall be incorporated into the Building Permit plans.
C. High quality materials shall be used on the exterior (e.g. no low grade foam trim, EIFS, etc., unless the materials proposed can be shown to be of a quality, appearance, and longevity equivalent to real wood).
D. The fabric awnings shall be retained as integral features of the live/work units.
E. All vertical and horizontal bands or lines shown on the exterior elevations shall be at least one inch wide by one inch deep by one inch tall, unless in can be demonstrated that another dimension will meet the intent of creating sharp, deep, distinctive lines or scoring.
F. Residential ventilation shall be taken from the rooftops (as shown on the approved plans) and shall not be placed on the exterior walls.
G. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit, but shall have only minor alterations over the approved elevations.

8. <u>GREEN BUILDING REQUIREMENTS</u>

A. This project shall achieve either a basic US Green Building Council LEED Silver certification level or a Build It Green Rated Checklist of 70 points.

9. <u>EASEMENTS AND DEDICATIONS</u>

A. Dedicate public utility easement on site, in accordance with the approved Tract Map. Install these facilities per Department of Public Works requirements.

B. Dedicate all private streets as emergency vehicle ingress-egress easements.
C. The westbound Elko Drive curb lane shall be widened by five feet between Lawrence Expressway and Lawrence Station Road to create a 22-foot wide curb lane. Right-of-way shall be dedicated accordingly, and traffic signal modifications made to allow right turning vehicles to utilize the widened lane to bypass queues at the Lawrence Expressway/Elko Drive traffic signal.

10. EXTERIOR EQUIPMENT

A. There shall be no roof or window mounted air conditioner units allowed.
B. All air conditioning units (on the roof or on the ground) shall be screened with architectural features. This screening shall be shown on the building plans.
C. If air conditioner units are not installed by the developer, appropriate locations shall be identified for future units for each unit on the Building Permit plans.

11. FEES

A. Pay Park In-lieu fees estimated at $9,408.96 per unit, for a total of $3,180,228.48 prior to approval of the Final Map or Vesting Tentative Map. (SMC 18.10)
B. The final fee is calculated at the time of Building Permit issuance. Based on the applicant's proposed project the fee is estimated at $338,114. Since there are a number of possible alternatives to the total commercial square footage and unit count, the final Traffic Impact Fee will be determined prior to the issuance of Building Permits and may be greater than the two estimates listed above.

12. ART IN PRIVATE DEVELOPMENT

A. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52 for the commercial portion of the site.
B. The construction valuation of 50% the commercial portion of the live/work units shall be included.
C. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building Permit.

13. FENCES

A. Design and location of all proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
B. The landscape/patio walls shall not be higher than three feet, unless

otherwise approved by the Director of Community Development.

C. Any front yard fence between the building and the public right-of-way shall not exceed three feet in height.
D. Chain link and barb wire are not allowed.
E. Install and maintain a minimum ten-foot solid decorative masonry wall, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the eastern and northern property lines where the property abuts Lawrence Expressway and Highway 237 (location as show on the approved plans). The wall shall minimize the impact to the existing trees on the subject or adjacent parcels. An acoustical consultant shall verify the wall mitigates the noise to the level indicated in the EIR.

14. <u>TREE PRESERVATION</u>

A. 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.
B. A new City sidewalk will need to be installed with a continuous piece of root barrier installed per City specifications.
C. All new street trees and new trees along the Lawrence Expressway/Highway 237 frontage shall be at least 24 inch box trees.
D. The tree protection mitigation shall be installed prior to commencement of any construction activities on-site, subject to the on-site inspection and approval by the City Arborist.
E. The tree protection plan shall remain in place for the duration of construction.
F. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

15. <u>LANDSCAPING</u>

A. The children's play areas (tot lot) shall contain age appropriate playground features. Final design is subject to approval by the Director of Community Development prior to issuance of a building permit.
B. Street landscaping plans are required as part of the off-site improvement plans and are subject to review and approval by the Public Works City Landscape Section.
C. Install street trees to City standard along all project frontages.
D. All new street trees shall be at least 24-inch box trees.
E. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas shall be installed to a depth of

10 feet at the entrances of all private streets (three total) leading from the public streets.

F. Landscape and irrigation plans are subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall be consistent with the approved plan.
G. Provide separate meter for domestic and irrigation water systems.
H. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
I. 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.
J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
K. All areas not required for parking, driveways or structures shall be landscaped.
L. New trees shall be native trees as large a species as appropriate for placement on the site.

16. <u>LIGHTING</u>

A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
   1. Sodium vapor (of illumination with an equivalent energy savings).
   2. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than eight feet in height on the periphery of the project.
   3. Provide photocells for on/off control of all security and area lights.
   4. All exterior security lights shall be equipped with vandal resistant covers.
   5. Lights shall have shields to prevent glare onto residential units.
B. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development.
C. Install lights at a minimum of 50 foot intervals along all private streets.

17. <u>ON-SITE AMENITIES</u>

A. Swimming pools, pool equipment structures, play equipment and other accessory structures, in addition to the approved plans, may

be allowed by the Director of Community Development subject to approval of design, location and colors.

B. At least one on-site kiosk or display case is required to provide transit and rideshare information. The case needs to be a minimum of 34 inches wide to accommodate a VTA map and may be located on a building, wall, trellis, or other on-site feature to the approval of the Community Development Director.

C. Knox Box system (key switch) shall be located in accordance with the Fire Prevention Bureau requirements at all locked gates.

18. <u>OFF-SITE TRANSIT CONNECTION PLAN</u>

A. A VTA Eco Passes shall be provided to all units for at least one year free of charge.

B. The western edge of Lawrence Expressway between Elko Drive and Tasman Drive shall be improved by installing a 42" high decorative fence (railing) intended to separate pedestrians from vehicular traffic. The fence is subject to Santa Clara County review.

C. The western edge of Lawrence Expressway between Elko Drive and Tasman Drive shall be improved by installing trees, ground cover, and vines.

D. An in-ground lighted crosswalk shall be installed on Tasman Drive adjacent to the Vienna Light Rail Station. The design and type of crosswalk shall be subject to the review and approval of the Director of Public Works.

19. <u>PARKING</u>

A. A minimum of 192 spaces shall be left unsecured and outside of any gates.

B. 25% of the unassigned spaces shall be marked as "commercial patron or residential guest only" spaces. Indicate these parking spaces on building plans. Such spaces shall be clearly designated prior to occupancy in a manner approved by the Director of Community Development.

C. All uncovered spaces shall be reserved as residential guest/commercial patron spaces and unassigned residential parking spaces and shall remain unassigned.

D. No parking spaces shall be sold, rented, or leased to individual homeowners (by the developer or subsequent HOA), except the attached two car garages which shall be for the exclusive use of the attached unit.

E. Garage spaces shall be maintained at all times so as to allow parking only.

F. Specify compact parking spaces on Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.

G. 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, is prohibited on the premises.
H. Gates at driveways entrances leading from the public streets are not permitted.
I. Any on-site gates shall be located to provide sufficient on-site vehicle queuing during gate operations, as determined by the Director of Public Works.
J. The design for the northern most driveway shall be reviewed and approved by the Director of Public Works to assure adequate design for trucks and adequate signing and striping.

20. ENHANCED PARKING REQUIREMENTS

A. The following measures shall be incorporated:

1. Compact spaces shall be clearly marked in order to discourage larger cars from parking in smaller spaces.
2. Parking lot striping and markings (e.g. compact, guest) shall accurately and adequately maintained.
3. Signs to direct vehicles to additional parking spaces on-site shall be installed at appropriate locations.
4. Adequate lighting shall be available in parking lots to keep them safe and desirable for use.
5. Of the total number of unassigned spaces, there shall be a maximum of 10% compact spaces.
6. A Parking Management Plan shall be created that shall describe how property managers or homeowner's associations meet the following requirements:
   a. Limit the amount of unassigned spaces that are reserved for specific tenants.
   b. Give property managers/homeowner's association (with approval by the Director of Community Development) the latitude to define "guest," since ultimate enforcement is the responsibility of that entity.
   c. Specify that 25%-75% of unassigned spaces be reserved for guest use only, at the discretion of the property owner or homeowners association.
   d. Note that property owners and HOA's cannot rent unassigned spaces, except that a nominal fee may be charged for parking management.
   e. Require tenants to use their assigned parking spaces prior to using the unassigned parking spaces.
   f. Confirm the responsibility of the property owner or homeowner's association to enforce provisions of the parking management plan. Planning staff may provide the

associations with tools for property owners and homeowners associations to carry out their responsibility to enforce provisions of the parking management plan.

g. Require tenants to maintain assigned spaces for parking of automobiles and motorcycles (e.g. do not allow RVs, trailers, boats, etc.)
h. Clearly notify potentially residents of the number of parking spaces provided for each unit on-site in order to reduce overuse by specific residents.
i. Employee parking locations shall be away from the building, in parking spaces that are the least used.
j. Delineate the location and term of short-term parking.
k. Allow the use of valet parking when appropriate on sites with limited parking.

21. <u>TRANSPORTAION DEMAND MANAGEMENT</u>

A. The following TDM measures shall be incorporated into the project:
   1. Include an on-site kiosk that contains current VTA and Caltrain transit schedules and other information. The kiosk shall also contain rideshare opportunity information. The case needs to be a minimum of 34 inches wide to accommodate a VTA and Caltrain map and may be located on a building, wall, trellis, or other on-site feature to the approval of the Community Development Director.

22. <u>BICYCLE PARKING</u>

A. Residential: Provide 112 Class I (secured) bicycle spaces 23 Class II (unsecured) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. These spaces should be dispersed into separate areas on site.
B. Commercial: Provide one Class I (secured) bicycle space for every 30 employees and one Class II (unsecured) bicycle space for every 6000 square feet.
C. Permanent signage shall be included in the secured bicycle parking area to prevent the area from being used for other uses.

23. <u>RECYCLING AND SOLID WASTE</u>

A. A design for Waste and Recycling Management facilities shall be submitted to the Director of Community Development prior to building permit issuance. The plan shall:
   1. Identify and plan for types and quantities of waste and recycling projected for construction and after occupancy.
   2. Provide a detailed layout of facilities.
   3. Design collection systems for operational efficiency & safety.
   4. Integrate recycling and waste diversion systems into design.

5. Design to minimize visual and traffic impacts of collection vehicles and garbage/recycling facilities.

B. Final architectural plan shall illustrate Waste and Recycling service facilities in elevations. Per municipal code section 19.38.030, all waste and recycling service and storage areas shall be fully screened from public view, with all gates, doors, and lids kept closed at all times. Site will comply with City requirements for Waste and Recycling Management.

C. Waste and Recycling service areas shall be designed for safe and efficient access for service vehicles and adequate space allotment for facilities.

D. Waste and Recycling facilities and other receiving/delivery areas must be designed to avoid conflicting with each other's normal operations.

E. The property management and/or account holders will be responsible for ensuring adequate services and that all locations, sidewalks and streets are kept free of litter and stains. Requirements for both commercial and residential occupants shall be specified in CC&Rs or other appropriate documents, with draft documents provided to the City for approval.

F. To mitigate the impacts of large projects on local waste disposal and recycling levels, construction and demolition weights/volumes for all waste and recycling are to be reported to the City, per City's "Waste & Recycling Reporting Form" (electronic copy available) or a similar chart. As part of the project's demolition and construction specifications, the developer shall record the type, quantity, and disposition of materials generated, and forward a complete report the Department of Public Works, Solid Waste Division both periodically during project work and at project completion.

G. Construction & Demolition Waste, Code Compliance: Mixed debris of any type must be disposed of in containers provided and serviced by the City's franchised hauler, Specialty Solid Waste & Recycling (except for exclusion 8.16.110(j), granted where applicable) (Ord. 2614-99 § 1 (part)). Project must maintain and use Specialty debris boxes onsite for duration of work.

H. Recyclable material that is separated from mixed debris on the job site may be hauled by an independent recycling company holding a current Sunnyvale Business License, provided that the following conditions are met:

1. On-site containers for mixed debris disposal are provided and hauled by the franchised waste company for all non-recycled material.
2. The recyclable material is separated onsite from non-recyclable material

3. The material is actually recycled or reused, and is not disposed of or used for 'alternative daily cover' at any landfill.

I. The chute system is subject to final approval of the Director of Public Works and must include a chute cleaning and maintenance plan. In addition to one chute for refuse, two chutes are to be provided for recycling (one for newspaper and the other for containers).

J. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the adjacent main building.

K. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

24. RIGHT-OF-WAY IMPROVEMENTS

A. Submit a separate off-site improvement package on 24”x36” sized sheets for Public Works review and approval.

B. Obtain a Development Permit from the Department of Public Works for all off-site improvements.

C. Obtain necessary encroachment permit through Caltrans for work along Highway 237.

D. Prior to issuance of building permits, execute a deferred improvement agreement with the County of Santa Clara committing the project owner to future sidewalk construction on the Lawrence Expressway frontage of the project site, at such time determined by the County of Santa Clara. Right-of-way shall be dedicated accordingly.

E. Streetlights shall be upgraded to the new City Standard and shall also include new pullbox, conduits, and conductors and necessary. Additional streetlights may be require to bring spacing up to current City standards. Streetlight poles shall be placed behind the sidewalk.

F. A warning/control system shall be installed to stop traffic on Lawrence Station Road and the subject project driveway from blocking the Fire Station driveway when they are exiting to go on emergency calls.

G. An in-road lighted crossing system shall be established at the crosswalk which will serve the project. Location of the crosswalk, type of the lighted crossing system, as well as all relevant design and construction details shall be reviewed and approved by the Director of Public Works. New ADA curb ramps shall also be installed at the new lighted crossing location.

H. Existing PG&E poles shall be undergrounded to provide clear sidewalk space, as determined necessary by the Director of Public Works.

I. Replace all existing ADA curb ramps at the intersection of Lawrence Station Road/Elko Drive with new current ADA curb ramps.

J. Remove and replace any existing uplifted and damaged curb, gutter, or sidewalk along the project frontage.
K. New City standard curb, gutter and sidewalk, shall be installed where none exists, along the project frontage.
L. New City standard driveway approaches shall be installed.
M. Traffic control plans shall be included with off-site improvement plans for any work that impacts the public right of way. Traffic plans will be designed per 2006 CA MUTCD.
N. Grind and overlay up to the centerline along Lawrence Station Road and Elko Drive.
O. Underground all overhead utility lines along the project frontage.
P. Install new double check detector assemblies in place of existing below ground fire pits.
Q. All private wet utilities (water, sanitary sewer, storm drain) 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.
R. Contact the utility companies for their review/approval requirements and/or procedures for site development and existing easement vacation/removal.
S. Record by map or by separate instruments the new sewer easement, abandonment of existing sewer easement, and removal of property line.
T. 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.
U. This project shall comply with all standard PW/Engineering conditions of approval (available upon request).

25. <u>PUBLIC SAFETY – FIRE PREVENTION</u>

A. Provide fire access roads with a minimum width of 26 feet and a minimum inside turning radius of 25 feet along the west and north side of the project. The access road shall be constructed to include access off of Lawrence Expressway and at a point on the north side of the project.
B. Pedestrian access shall be provided along Lawrence Station Road near the northern end of the project in order to provide firefighter access.
C. Provide a fully automatic fire sprinkler system in accordance with NFPA 13 / 13D depending on construction type. (16.52.270 SMC)
D. Provide a standpipe system in accordance to the Sunnyvale

Municipal Code.

E. Onsite fire hydrants shall be provided per SMC.

F. An electronic version of the site plan and individual buildings diagrams shall be provided by the applicant to the Department of Public Safety to assist with the creation of the 'pre-fire survey'. The survey must be in an electronic format that is convertible to Microsoft Visio software program. The documents shall be delivered to the Fire Prevention Unit no less than three months before the site is open to the public (including models and sales trailers).

G. This project shall comply with all standard Public Safety conditions of approval (available upon request).

26. <u>TRAILERS</u>

A. The temporary sales and construction trailer(s) shall be subject to following requirements:

1. Trailer(s) shall be placed on the premises not sooner than 15 days following the date of City approval and shall be removed 30 days after the final unit is sold.
2. Trailer entrance(s) shall be oriented towards the nearest building.
3. Any variation from the location of the trailer(s), as represented by the submitted plan, shall be subject to approval by the Director of Community Development.
4. Area lighting shall be provided in the vicinity of the trailer(s).

27. <u>UNDERGROUND UTILITIES</u>

A. All proposed utilities shall be undergrounded.

28. <u>VEHICLES</u>

A. No vehicles or trailers shall be advertised for sale or rent on the site and nor vehicle sales, leasing or rentals shall be conducted at the site.

29. <u>MISCELLANEOUS</u>

A. The clubhouse/recreation room and all other common room water heaters shall be tankless water heaters.

30. <u>VESTING TENTATIVE MAP CONDITIONS</u>

A. The existing median island and the intersection of Elko Drive/Lawrence Expressway shall be reconfigured as necessary to accommodate the new intersection geometry, subject to the final review and approval of the Director of Public Works.

B. The developer shall sign an agreement with the City indemnifying the City from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an

approval of the City, and the City shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense.

C. Execute a Subdivision Agreement and provide improvement securities and/or cash deposits as outlined in the Subdivision Agreement prior to map recordation.

D. Full development fees shall be paid for each project parcel or lot shown on the Final Tract Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.

E. Comply with all applicable code requirements as noted in the Standard Development Requirements.

F. Remove/replace/upgrade/install to City standards and spacing all streetlight, conduits, and conductors along entire project frontage. Add new street lights where necessary to bring up to City spec along project frontage.

G. Replace existing curb ramp with new ADA curb ramps.

H. Applicant will be required to implement all traffic study recommendations pertaining to this development.

I. Provide a current (within 90 days of submittal) preliminary title report and copies of any record maps of this and adjacent parcels. Comply with Map Act and City standard requirements for final map.

J. Confirm by preparation of a domestic and fire flow water demand analysis that the existing domestic water system is adequately sized and has adequate pressure to meet the increased fire and domestic demand from 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(s) to the property will be required in addition to private meters for each unit. A storm water discharge analysis is required for this development.

K. The adequacy of existing public storm drainage system will need to be assessed and 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.

L. Provide a copy of the geotechnical and environmental report for the property and adjacent streets.

M. Any changes to or deficiencies in the adjacent public streets are to be rectified at the expense of the developer. The half-street of public streets adjacent to the development are to be grind and overlaid and restriped/marked after completion of improvements and installation of utilities, prior to final acceptance of public improvements.

N. A Vesting Tentative Map for parcel 1 & 2 as indicated on the Vesting Tentative Map is acceptable as an interim step in developing the property as proposed. However subsequent final maps are required for both parcels when final approval for more than five ownership

units is sought. Since the two parcels, when developed, are interdependent in regards to utilities, internal access streets, on-site parking, and amenities, all such improvements must be completed prior to final occupancy approval of any of the proposed dwelling units.

O. The project is to meet all City development standards, post improvement securities for off-site improvements, execute a subdivision agreement, and pay all appropriate development fees prior to recordation of the final map.

P. Provide will-serve and R/W clearance letters from utility companies, and a clearance letter from Santa Clara County regarding interfaces with Lawrence Expressway and from VTA regarding any affected County Transit facilities.

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APPROVED MINUTES
SUNNYVALE CITY COUNCIL
February 14, 2006

The City Council of the City of Sunnyvale adjourned from a 5:30 p.m. Closed Session pertaining to Conference with Labor Negotiators pursuant to Government Code 54957.6. Negotiator: Amy Chan, City Manager; Non-represented Employees, Management and Executives and a 6:00 p.m. Special Meeting (Study Session) pertaining to Long Range Land Use and Transportation Plans – Mary Avenue Extension, Lawrence Expressway Grade Separations, and Citywide Intersection, Bike and Sidewalk Improvements and met in Regular Session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, California at 7:00 p.m., with Mayor Swegles presiding.

SALUTE TO THE FLAG

Mayor Swegles led the salute to the flag.

ROLL CALL

PRESENT:	Mayor Swegles Vice Mayor Otto Lee Councilmember John Howe Councilmember Dean J. Chu Councilmember Melinda Hamilton Councilmember Anthony Spitaleri Councilmember Christopher Moylan
ABSENT:	None
STAFF PRESENT:	Amy Chan, City Manager Robert Walker, Assistant City Manager David Kahn, City Attorney Robert Paternoster, Director of Community Development Trudi Ryan, Planning Officer Coryn Campbell, Neighborhood and Community Resources Manager Katherine Bradshaw Chappelear, City Clerk

CLOSED SESSION REPORT

Vice Mayor Lee reported that Council met in Closed Session immediately after the February 7, 2006 Council Meeting and continued with a Closed Session this evening pertaining to Conference with Labor Negotiators pursuant to Government Code 54957.6. Negotiator: Amy Chan, City Manager; Non-represented Employees, Management and Executives.

Vice Mayor Lee stated that direction was given but no action was taken.

PUBLIC ANNOUNCEMENTS

Councilmember Chu stated that applications are being taken for serving on the Civil Grand Jury and encouraged Sunnyvale residents to apply. He stated 19 candidates will be sworn on July 1, 2006 and must make a commitment to serve a minimum of three days per week for

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one year (through June 30, 2007). Councilmember Chu stated that interested parties should call (408) 882-2721 or download an application at www.sccsuperiorcourt.org/jury/gi.html. Deadline for applications is Friday, February 24, 2006.

Councilmember Chu stated that applications are being accepted for an opening on the Planning Commission with application deadline at 5 p.m. on February 28, 2006. He stated applications can be downloaded from the website – www.ci.sunnyvale.ca.us or by calling the City Clerk's Office at (408) 730-7595.

Councilmember Chu announced that registration is now being accepted for spring enrollment of *City Skills*. He stated that the *City Skills* program is a basic training program on how local government works, and is a partnership between the City of Sunnyvale and Silicon Valley Leadership. Councilmember Chu stated that participants attend classes once a week over a four-week period and the cost is $15.00 for the program. He stated that the next class will begin on April 5, 2006 and for more information, interested parties may contact Michelle Bromstead at (408) 730-7472 or at www.leadershipsunnyvale.org (City Skills) and he encouraged all to register early as the program fills up quickly.

Mayor Swegles expressed his Valentine's Day wishes to all and wished City Clerk, Katherine Bradshaw Chappelear a Happy Birthday.

CONSENT CALENDAR

Vice Mayor Lee moved and Councilmember Howe seconded to approve the Consent calendar. Motion carried 7-0.

1.A. Approval of Draft Minutes of Regular Meeting of February 7, 2006
Council approved as submitted.

1.B. Approval of Information/Action Items – Council Directions to Staff
Council approved as submitted.

Fiscal Items

1.C. RTC 06-050 List of Claims and Bills Approved for Payment by the City Manager (List No. 285)
Council approved as submitted.

1.D. RTC 06-052 Justice Assistance Grand (JAG) Program – Fiscal Year 2006/2007 Grant Application
Council approved as submitted.

Contracts

1.E. RTC 06-047 Authorization to Increase Expenditures under an Existing Contract for Grounds Maintenance Products (F0501-43)
Council approved as submitted.

1.F. RTC 06-028 League of American Bicyclists Bicycle Friendly Community Program Authorization to Submit Application
Council approved as submitted.

Other

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1.G. RTC 06-053 2006 Boards and Commissions Master Work Plans
Council approved as submitted.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS
None

PUBLIC COMMENTS
Mayor Swegles opened Public Comments. No one wished to speak and Mayor Swegles closed Public Comments.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 06-051 Application to Initiate a General Plan Amendment for two parcels at 521 East Weddell Drive and 539 East Weddell Drive form Industrial to Neighborhood Commercial or Civic Center designation (continued from January 31, 2006)

Mayor Swegles asked if any Councilmember wished to make any disclosures regarding this matter.

Councilmember Chu stated that he met with developer and some interested parties last month and also approximately six months ago for information purposes only.

Vice Mayor Lee stated that he had talked with the applicant by phone approximately six-weeks ago.

Councilmember Howe stated that approximately a month ago he had a brief conversation with the applicant and other members of the public regarding this item.

Councilmember Hamilton stated that she had a meeting with the applicant several months ago about a related agenda item, not specifically this item.

Planning Officer, Trudi Ryan presented the staff report to Council. She stated that only City Council may initiate a General Plan amendment and is not a noticed public hearing. She stated should Council initiate a study for this item, and then staff may accept an application and review the request in detail.

Councilmember Hamilton asked staff for clarification on a section of the staff report (page 2). The applicant had initially approached staff seeking approval for a religious place of assembly for the 521 E. Weddell site and a day care center for the 539 E. Weddell site. However, the Sunnyvale Municipal Code only recognizes business-sponsored on-site centers in Industrial zoned area and only through a Use Permit process) whereas the church would not be considered a "business" because they are non-profit; therefore, the Municipal Code would not recognize this child care center and that is why it requires a General Plan amendment.

Planning Officer Ryan stated that was correct and further explained that a business day care center is one that provides a child care center for the employees of the business. She stated it appears that the intention of the church is to open the child care center to members of the church, not just the employees.
Councilmember Chu asked if the statement (consider Neighborhood Commercial and Civic Center as new land use designations) was a new zoning description. Planning Officer Ryan stated that was an error and should read: (consider Neighborhood Commercial and/or Civic Center).

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Mayor Swegles opened the Public Hearing at 7:13 p.m.

Scott Ward, representing Classic Communities (applicant), stated although they own the buildings, it is not their intention to occupy the buildings or bring tenants into them; rather they wish to transfer the buildings to South Bay Christian Center. Mr. Ward stated that his organization felt the use at this location is more appropriate for community service and would make the Industrial to Residential (ITR) zone into more of a residential district.

John Christenson, Pastor of South Bay Christian Center, stated that his church is asking Council to consider initiating this study. He stated that South Bay Christian Center has provided pre-school facilities for the community for number of years and it is a viable and desired service.

No one else wished to speak and Mayor Swegles closed the Public Hearing at 7:17 p.m.

Vice Mayor Lee asked if they have heard any comments from the owners of the property in the middle of this site. Planning Officer Ryan stated they did advise that property owner; however, staff did not receive any comments from them.

Vice Mayor Lee motioned and Councilmember Howe seconded to approve Alternative No. 1: Initiate a General Plan Amendment study of Neighborhood Commercial and Civic Center or similar designations for the entire 3 parcel block consisting of 521 East Weddell Drive, 531 East Weddell Drive, and 539 East Weddell Drive.

Vice Mayor Lee stated to his motion that staff was correct about the importance of looking at the whole area, not just the two parcels

Councilmember Chu stated he is in support of the motion because the area adjoins the Industrial to Residential (IGR) zone and that childcare-related facilities will be necessary in the future. He stated that it is also a good service for employers to provide to employees within the Moffett Park area and could reduce traffic trips.

Motion carried 7-0.

3. RTC 06-048 Application to initiate a General Plan Amendment Study to change the Land Use Designation for 1275 – 1287 Lawrence Station Road from Industrial to High Density Residential

Mayor Swegles asked if any Councilmembers wished to make any disclosures regarding this matter.

Councilmember Spitaleri stated he met with the applicant and their legal counsel approximately a week ago.

Vice Mayor Lee stated he met with the applicant approximately a month ago.
Councilmember Chu stated he met with the applicant twice over the past six months to review what they wanted to do with this site.

Councilmember Moylan stated he met with the applicant team twice over two different versions of what was planned for this project (once as a Planning Commissioner and once as Councilmember).

Mayor Swegles stated he met with the applicant team twice over the last six months

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and reviewed their plans.

Planning Officer, Trudi Ryan presented the staff report to Council. She stated that only City Council may initiate a General Plan amendment and is not a noticed public hearing. She stated should Council initiate a study for this item, and then staff may accept an application and review the request in detail.

Vice Mayor Lee asked what the current and past uses of this site have been. Planning Officer Ryan stated that the applicant should answer that question, but that she believes at least one and possibly both buildings are vacant.

Mayor Swegles opened the Public Hearing at 7:25 p.m.

Aaron Yakligian, representing applicant Trumark Companies, passed out copies of a hand-delivered letter from the applicant's attorney, Nadia Holober. He presented a rendering of some of their projects and spoke in support of the project and presented a summary of their revised mixed-use proposal.

Councilmember Hamilton clarified with Mr. Yakligian that they are planning for 300 housing units ranging in size from 1,200 to 1,400 square feet. She asked Mr. Yakligian what the height of the buildings will be, and he stated they must be below 50-feet and will be 4 and 5 stories over underground parking.

Councilmember Chu asked Mr. Yakligian if the housing units will be rental or for-sale units. Mr. Yakligian stated they would all be for-sale units at market rate with the exception of the 35 below market rate units.

No one else wished to speak and Mayor Swegles closed the Public Hearing at 7:33 p.m.

Councilmember Howe asked where the R-5 existing projects were located in the City (not where zoned but where built). Planning Officer Ryan stated that at the corner of Lawrence and 101 is a project of similar density (but on the low end of an R-5 density) which are the Avalon apartments. She stated there is a single room occupancy facility at the corner of Borregas and Weddell, which is zoned R-5, but because it is single room occupancy the density is higher as the units are much smaller. Planning Officer Ryan stated that the only other locations that would accommodate similar density are in the Downtown area, but those are not yet built.

Councilmember Howe asked Ms. Ryan if she meant the mall or Town and Country area when speaking about the Downtown area. Planning Officer Ryan stated that her meaning of the Downtown area (with similar density) included the properties along Mathilda; and the three blocks between Charles and Mathilda up to Washington. She stated that it would be higher density in the Town and Country area, and that the mall is difficult to measure due to its size and concentration among a few streets. Councilmember Howe asked how large the mall was in acres and Planning Officer Ryan stated it was 35-acres. Councilmember Howe confirmed with staff that there will be 292 units on 35-acres and that it is of a very high density style and character.

Vice Mayor Lee stated that he shows R-5 as 46 units per acre and asked what R-4 encompasses. Planning Officer Ryan stated that R-4 is up to 36 per acre, but that all zoning districts can go a little higher with density bonuses afforded.

Vice Mayor Lee asked staff if the staff recommendation not to authorize the study on

this site was based on Council's vote on the last application by this applicant. Planning Officer stated that was partially correct, but in addition staff has not seen a change in circumstance that would make this appropriate for residential. She stated the applicant has expressed that they have a different character of a project, but she cautioned Council that from a General Plan stand point there are no guarantees and once the General Plan is changed projects could appear that are residential without the other components. She confirmed that staff recommended against this change previously.

Vice Mayor Lee asked what Alternative No. 3 (Initiate a General Plan Amendment study for a range of densities) entailed. Planning Officer Ryan stated that it would entail what other densities Council wished to pursue for the site or Council could ask staff to study all the zoning densities.

Councilmember Hamilton asked for clarification of a section in the letter from the applicant's attorney, who stated, (the City likely has the option to process Trumark's application without a General Plan amendment). As pointed out by staff, the site is zoned "MS". Under the City's Municipal Code, each of the uses proposed as part of the project (office, retail and residential) are permitted in the MS District either by right or with a conditional use permit.). Planning Officer Ryan stated that the MS zoning district does allow residential use, primarily when there is a caretaker facility associated with another use and not as a primarily residential site. She stated that option is available, but staff has routinely advised the property owner to approach the City Council for a General Plan amendment if residential is the true intent of the site.

Councilmember Hamilton asked if the uses (office, retail and residential) are permitted by right as noted in the letter. Planning Office stated that only "office" use would be permitted by right.

Councilmember Chu asked about the density of the Cherry Orchard apartments. Planning Officer Ryan stated the site is at the high end of an R-3 (medium density), but is not actually zoned R-3 and that it looks higher density due to the large areas around it and the open spaces on the interior. Planning Officer Ryan stated that the open spaces were calculated into the overall land count in order for the project to qualify as medium density, which is what was allowed at that site.

Councilmember Chu asked about the density of the housing project under construction across the street form the Cherry Orchard. Planning Officer Ryan stated that she was not sure, but believed it was about 18-22 units per acre, which was the low end of medium density. She stated that medium density (R-3) ranges from 15 to 27 and (R-2) is about 8 to 14 units per acre.

Councilmember Spitaleri asked for clarification about the changes from the last application as he understood the original application was for all residential versus mixed use which is what is currently being proposed. Planning Officer Ryan stated what she meant by stating that there were no changes in circumstances. She acknowledged that the intent for the character of the site was definitely different, but that City policy has not changed in terms of the surrounding area. Planning Officer Ryan stated that the only real change was that there is more demand for industrial space which only strengthens the argument against changing the land use.

Councilmember Spitaleri stated that staff had mentioned there was not any guarantee that the type of plan proposed would exist after the study was done; therefore, he asked if Council could add a condition which identified what type of

plan was required at that site. Planning Officer Ryan stated Council could adopt a General Plan Amendment which required a mixed-use project on the site and that Council could adopt and add mixed use zoning to the City (currently none exists).

Councilmember Spitaleri moved and Vice Mayor Lee seconded to approve Alternative No. 2: Authorize the initiation of the General Plan Amendment study for the subject site from Industrial to Residential Very High Density.

Vice Mayor Lee made a friendly amendment to include studying R-3 and R-4 zoning for the site. Councilmember Spitaleri accepted the friendly amendment.

Councilmember Hamilton stated she will not support the motion because she feels this is the wrong location for residential because it has only 1.5 acres of open space for 300 units and that is not enough open space. She stated that this was the only Class B office space in the area and that Class B rents easier than Class C. She further stated that although the project looks good there is no guarantee that it will be built and feels this is the wrong use for this parcel of land.

Vice Mayor Lee stated that this property has been vacant for four years and that Council should at least allow the study to see what else can be done with the land. He restated that Council would not be approving any project rather just looking at potential use of the space.

Councilmember Chu stated he previously voted to deny the application because it was a residential use only, but he is now encouraged as this is a mixed-use proposal.

Councilmember Chu made a friendly amendment to explore a Mixed Use zoning designation. Councilmember Spitaleri and Vice Mayor Lee accepted the friendly amendment.

Councilmember Moylan stated he has seen three favorable proposals for this site and that he is in full support of this study.

Councilmember Howe stated that Attachment B which shows the surrounding zoning and the two parcels as an island. He stated this map clearly identifies that a change to this area is a perfect example of "spot zoning", which he feels will deteriorate the industrial area.

Motion carried 5-2 (Councilmember Howe and Hamilton dissented)

4. RTC 06-055 Intergovernmental Assignment to the Peninsula Policy Partnership Grand Boulevard Task Force

Neighborhood and Community Resources Manager, Coryn Campbell presented the staff report.

Councilmember Howe asked if the Director of Community Development, Robert Paternoster would be the individual that would be the staff representative for this assignment with the Councilmember. Manager Campbell confirmed this was accurate and stated that there are two different committees, one being a working committee which has a staff representative and the other a policy committee that would have a Councilmember as representative.

Mayor Swegles opened the Public Hearing at 7:55 p.m. No one wished to speak and Mayor Swegles closed the Public Hearing at 7:56 p.m.

ATTACHMENT
Page 8 of 8

Councilmember Howe moved and Councilmember Chu seconded to nominate Councilmember Spitaleri.

Councilmember Chu made a friendly amendment to nominate an alternate to this assignment and nominated Councilmember Moylan. Councilmember Howe accepted the friendly amendment.

Motion carried 7-0.

NON-AGENDA ITEMS & COMMENTS

COUNCIL: Councilmember Howe asked City Manager Chan to provide a brief overview of who is eligible for the varying housing programs within the City and to also identify what type of outreach (who and how is the information given out) is occurring for each one of the housing programs.

STAFF: None

INFORMATION ONLY ITEMS – Received and Filed

- 2006 Tentative Council Meeting Agenda Calendar (.doc)
- Draft Minutes of the Library Board of Trustees Meeting of February 6, 2006

ADJOURNMENT - Mayor Swegles adjourned the Council Meeting at 8:05 p.m.

Katherine Bradshaw Chappelear
City Clerk

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Trumark Companies

August 15, 2008

Mr. Steve Lynch
Senior Planner
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94088-3707

RE: Luminaire (Proposed Mixed-Use Development at 1277-1287 Lawrence Station Road)

Dear Steve:

In the two and a half years since the Sunnyvale City Council's approval of the General Plan Amendment initiation request in February 2006, Trumark Companies and City Staff have worked together closely and tirelessly to create the final Luminaire proposal. This mixed-use development for the assemblage of 1275 and 1287 Lawrence Station Road embodies both the original project goals and various adaptations to meet the goals of City decision makers, planning staff, local employment organizations and the surrounding Sunnyvale community.

At your request, we have prepared the enclosed report outlining the land use proposal, the underlying reasoning for the change in land use, and a discussion of the associated benefits to the local Sunnyvale community, and the region as a whole. Also included are numerous endorsement letters from local organizations who support the Luminaire vision.

We appreciate Staff's ongoing efforts over the last few years to work with us to refine this proposal and improve the project in a way that remains consistent with the original direction from the City Council in 2006. We are also very pleased that Trumark had the opportunity to help create a new land use planning tool for the City – the Mixed-Use Combining District – that can be used throughout the City for years to come.

Thank you for your review of this material and we look forward to making this exciting proposal a reality for the City of Sunnyvale.

Sincerely,
TRUMARK COMPANIES

Aaron Yakligian
Director of Development

4185 BLACKHAWK PLAZA CIRCLE • SUITE 200 • DANVILLE, CA 94506-4668 • (925) 648-8300 • FAX (925) 648-3130

LUMINAIRE at Lawrence Station

Property Description

The proposed Luminaire community is located on an assemblage of two parcels totaling 6.63 acres, bounded by Lawrence Expressway to the west, Elko Drive to the south and Lawrence Station Road to the east. The majority of the existing office and light industrial space has been empty for 7 years, and the remainder has been unoccupied for approximately 4 years. We are requesting that the General Plan be amended to change the land use designation of these sites from MS (Industrial & Service) to an appropriate zoning that will allow for the designed 338 residential homes, 16 Live/Work offices, and 16,000 square feet of neighborhood retail services.

The Vision

Given the diverse demands of land planning in the Bay Area, Trumark has the advantage over many developers in the regard that we have a deep pool of diverse land use experience we use to assess a potential opportunity site. While Trumark Companies develops all densities of residential communities, both for-sale and for-rent, Trumark Commercial has a long history of successfully entitling, building, and managing commercial, office, and retail developments throughout the Bay Area.

The Luminaire property was originally assessed by our commercial team as a possible office opportunity. As discussed, both of the site buildings have been vacant for many years, and given their obsolete construction and technological amenities, are likely to remain unoccupied. Upon further assessment of the Sunnyvale industrial trends and the pending "Class A" office space coming on-line in an impressive synergy of employment growth, it became clear that it was a complimenting development plan that was dictated for our site, rather than a competing one.

Over the years, the growth of jobs in the technology sector have drawn people to the Santa Clara Valley from all over the world. This pattern has created traffic congestion and longer commutes, forcing people to spend valuable time away from their homes and families. The dependency on cars for even the smallest errands has almost become an accepted way of life in the Bay Area. The future growth of the local economy and our responsible stewardship of the environment demands smart and appropriate planning now and in the future. It is anticipated that Sunnyvale alone will increase in population from 135,721 to 150,800 over the next 20 years.

Trumark: A Sunnyvale Community Member

Trumark has been a community member of the San Francisco Bay Area for decades. Many of Trumark's members were born, raised, and now live in the surrounding Bay Area cities. We believe in Sunnyvale, and continue to invest in her rich identity as the Heart of Silicon Valley. Trumark currently holds title to 5.07 of the 6.63 acres of the subject property, and is scheduled to close on the remaining 1.56 acres in December of this year.

In addition, Trumark also owns a 40,000 square foot building on 2.58 acres at 374-378 West Maude Ave. When we purchased this aging building in 2006, it was vacant and not performing as tax generator for the City. We invested over $1.6 million dollars in tenant improvements to bring the building up to today's leasing standards. As a result, we were able to engage Electric Cloud in a three-year lease, and court them into moving their headquarters from Mountain View to the new Sunnyvale location. We are actively marketing the final 20,000 square feet, and are confident that we will be able to lease the remaining space shortly.

We mention our investments in the City to demonstrate our commitment and confidence in Sunnyvale, and to remind the City planners and leaders that we are not just an applicant, but also a city stakeholder, now and in the future.

Industrial to Residential (ITR) Assessment

In 1993, the City of Sunnyvale completed the *Futures Study*, which addressed the City goals for improved jobs / housing ratios, commercial development, less congested transportation systems, and better air quality. Six initial sites were rezoned with a new combining district classified as an Industrial to Residential designation, or "ITR" site. The purpose of this new zoning designation was to allow industrial, office, commercial and residential uses within the same zoning district, and to allow existing non-residential sites to gradually convert to a residential use. Over the past 15 years, several other ITR sites have been approved in response to Sunnyvale's ever-changing employment needs and higher intensity industrial expectations.

Sunnyvale's General Plan reflects the future challenge of accommodating an anticipated population increase of 18,000, a jobs increase of 24,800, and a related 7,200 homes built between 2005 and 2025. The ITR program is seen as the solution to much of the pending housing need, but that assumes that the redefined zoning areas are ready and willing to redevelop. With the current resetting of the housing market, Bay Area property owners have set expectations for the value of their land. It is not uncommon for property owners to ask for per acre purchase prices that far exceed the potential value provided by today's housing market. Many potential "sellers" are willing to wait again for the falsely inflated prices briefly experienced in 2004 and 2005 to return, and until then will land bank their properties and delay its redevelopment for housing. This expectation is likely to exacerbate an imbalance of jobs to housing, as the planning and construction of millions of commercial square feet is already underway.

In addition, a project that will significantly help close the housing needs gap requires the economy of scale usually created with the assemblage of parcels. The coordination of such an effort is challenging and infrequent, however, when successful, can make a significant contribution to the housing goals set by the City. As proposed, the Trumark Luminaire community assembles two parcels totaling over 6.6 acres. A site this large, if used at a responsible intensity, can provide for an exciting mixed-use project that many other locations in Sunnyvale cannot accommodate due to neighborhood opposition or incompatible housing densities.

With the expected increase in population, jobs, and housing, logically comes more traffic and congestion. As properties are intensified as expected and required, the City's surface streets remain virtually unchanged. Many organizations on local, state, and federal levels are promoting "smart growth" planning of the remaining lands, and the lands in redevelopment. Potential sites are evaluated today by their location with respect to public transit, major arterial freeways, and adjacency to jobs. The days of urban sprawl are over in the Bay Area, and the time to deal with today's realities and plan tomorrow's future is here. The City of Sunnyvale is no stranger to this challenge. Sunnyvale has a distinct and responsible history of meeting its employment driven housing needs, and purposefully providing appropriately designed homes for an expanding workforce. From the agriculturally driven housing provided for the orchard and cannery workers in the late 1800's, to the future accommodations for the internet businesses employing today's 21st century workforce, Sunnyvale must continue to meet the increasing housing demand that is vital to the health of the City's growing employment base.

Sunnyvale's Housing Response to Changing Workforce Demands

The following is a brief overview of the history of housing in Sunnyvale as directly related to the transforming workforce and employment growth that has made Sunnyvale what it is today:

Before the mid 1700's:	The Ohlone Indians chose to live in the Sunnyvale area due to the abundance of food from natural vegetation, wild game, small animals and shellfish. They lived here for hundreds of years before the Spanish arrived.
Mid-1700's:	Native American villages were transformed by the Spanish into ranches surrounding the Missions. Housing was built for ranch and domestic labor.
1860's:	The transcontinental railroad brought Chinese workers who became laborers for local wheat farming and more outbuildings were built to house the migrant workers.
1880's:	Wheat farming declined and was replaced by fruit orchards and canneries. As fruit production and canneries grew, so did the need for housing for the influx of Southern European immigrants familiar with wine and fruit production.
1900's:	Japanese men left their wives and families in Japan and Hawaii to find work in the Bay Area. Eventually, their families joined them. Over the course of 50 years, farm labor, cannery workers and local merchants combined to form an emerging town around the Murphy train station.
1907 – 1913:	Following the devastating San Francisco earthquake, Walter Crossman bought 200-acres from Martin Murphy near the Murphy train stop and created a subdivision of varying housing sizes. Crossman enticed major industry to relocate from San Francisco thus providing a greater need for housing and Sunnyvale blossomed into a middle-size town.
1917:	War in Europe caused two local industries to increase activity and employment. Naval equipment and weaponry added 900 workers, running shifts around the clock, while canned and preserved fruits and vegetables were in need for troops. More neighborhoods emerged in Sunnyvale as a direct result of increase productivity. California bungalows were developed in the McKinley tract and occupied by the town's new workers. The houses had single-car detached garages and front porches under gabled overhangs.
1930 – 1945:	Congress approved Sunnyvale over San Diego as the location for a new 1000-acre Naval Air Base in 1930. During WWII, one-and-a-half million military personnel passed thru the Bay Area on their way to or from war in the Pacific and many eventually came back after the war to live. Besides service men, thousands of defense industry workers came to Sunnyvale to work at Hendy Iron Works or Moffett Field. Hendy Iron Works swelled from 60 to 7,500 employees.
1945 – 1956:	Post WWII Sunnyvale saw the transformation from orchards to an industrial city. The original 6 square mile City incorporated in 1912 grew to the present day 25 square mile City with a whirlwind of annexations in

the 1960's. By the summer of 1954, twenty-nine residential housing developments with four thousand houses were under construction including 1100 homes by builder Joseph Eichler who sought to build affordable tract houses using modern architecturally designed plans. Gavello Glen Homes also built in Sunnyvale, bear some similarities to Eichler homes and won the Merit Award from the American Institute of Architects' "Homes for Better Living" contest in 1956.

1956 – 1970: Lockheed Aircraft relocates to Sunnyvale. 600 Lockheed Aircraft employees formed a 350 vehicle caravan on labor day weekend and moved to the Sunnyvale area from Los Angeles. Over the next 6-weeks another 2,000 co-workers joined the initial transferees. Due to the 'space race', jobs in Sunnyvale continued to rise, as did the population, growing from less than 53,000 in 1960 to over 95,000 in 1970.

1971 to 1994: The micro-processor was introduced in 1971 by Intel Corporation. In 1977, Apple Computer introduced the personal computer. Allied businesses and electronic products sprouted and replaced the bounty of orchards and vineyards that remained in Sunnyvale. Silicon Valley flourished partly because of a new method of amassing capitol to finance business ventures and start-up companies who no longer needed to rely on bank loans, but venture capitalists. Land for housing in Sunnyvale was gone and employees began commuting to Sunnyvale from outlying communities.

1995 - 2008: Internet research and development start-ups, clean energy, and Nanotechnology begin the next cycle of innovation centered in Sunnyvale.

As shown throughout Sunnyvale's history above, the City's leaders responded with appropriate housing actions that permitted and encouraged the mindful growth of the City. They realized that you can't have one without the other and still successfully meet the desired balance of the population.

Land use has always had a changing assignment. As Housing Elements and General Plans are revised and updated to meet current conditions and future predictions, the most "perfectly planned" land uses are again evaluated. Is this because the previous visioning was wrong? Not at all. In fact, it is more likely than not that the past land use assignment was appropriate for the time and space in which it was determined. It is clear to see from the lengthy City history listed above, however, that situations change, and the City must continue to adapt. Whether accommodating a railway artery through an infant town, or redeveloping an underperforming retail hub in the middle of the City, Sunnyvale has the responsibility to assess the needs of its employment base and residents on a frequent basis.

The *Sunnyvale Community Vision* as adopted by the City Council in May of 2007, once again points to a need for innovative housing solutions to balance the demands of Sunnyvale's employees and employers.

Jobs / Housing Balance

It is interesting to note that according to the *Sunnyvale Community Vision* as adopted by the City Council in May of 2007, the City that historically has strived to be the "complete city", has forced employees to reside in other Bay Area cities.

"Of the nearly 90,000 jobs in Sunnyvale in 2000, only 18% were held by Sunnyvale residents. San Jose held 31% of jobs located in Sunnyvale, and other cities (primarily Santa Clara, Mountain View, Fremont, Cupertino, and Milpitas) held the remaining 51% of the jobs."

Clearly, incomes are available in Sunnyvale with over 8,500 companies generating approximately $2.45 billion in gross sales, and over 85,000 jobs, however, the employees decide to live elsewhere. With 94% of residents rating Sunnyvale as a ***"good place to live"***, and four out of five residents stating that they were ***"proud to call Sunnyvale their home"***, it is unlikely the local workforce intentionally avoids living within the City in which they work. It is even more unlikely that the employees would rather spend their off-hours commuting on our crowded Bay Area roads, paying $4 to $5 per gallon for gasoline. It is perhaps more plausible that it is the lack of housing choice and availability that pushes them across the City's boundaries. Unfortunately, this loss of residents to other cities also takes away spending dollars needed for the success of the local retail businesses like those of the redeveloping Town Center. It is a trend that can be slowed and eventually reversed with the allowance of smart growth developments such as Trumark's Luminaire community.

Outside of the retail dollars and civic pride, another looming responsibility exists for the City planners. It is a responsibility to the 8,500 employers referenced above, of which six are Fortune 1000 companies employing more than a thousand employees each. The largest 20 private employers employ over 30,000 people. To once again quote the *Sunnyvale Community Vision*, ***"New housing near jobs encourages employees to take jobs in the City and helps local businesses recruit new employees."*** This is precisely why you will see the numerous diverse business endorsements listed in this project summary. It is understood that employers are selling a lifestyle rather than simply a position. The more accommodating the overall employment package is, the more likely the company will draw the employee away from a competing business. These Sunnyvale businesses are the heartbeat of the City's fiscal health and every advantage must be provided to them in order to compete with the adjacent cities.

Currently, there is over 6.7 million square feet of active and planned office and R&D development in the City of Sunnyvale. Almost all of the new growth is developing in Moffett Park and Perry Park, with the exception of the Town Center development. The majority of this office development is located along the Tasman West VTA Light Rail line, however, most of Sunnyvale's residents are miles away from any of the seven train stations that connect throughout the business campuses. There is little opportunity for today's environmentally conscious employee to live within the Sunnyvale city boundaries, stay out of their cars, and utilize the Light Rail as purposely designed.

Santa Clara Valley Transportation Authority Light Rail

Valley Transportation Authority's 42.2-mile Light Rail line began its first leg of service in December 1987. Twelve years later, in December 1999, VTA opened the 7.6-mile Tasman West line, connecting Mountain View with existing Light Rail service. The final phase of the Tasman East Extension was completed in June 2004.

Less than 2% of Sunnyvale's population (2,150 people) use the Light-Rail system on a daily basis, yet the trains continue to run under capacity and underutilized. While there are many explanations for the lack of ridership such as inconvenience or station locations, there are opportunities to draw people from their cars and introduce them to the advantages of a simpler and more affordable daily commute.

The Santa Clara Valley Transportation Authority Community Design & Transportation Manual provides criteria and qualities for "Station Areas". There are several criteria listed in the manual such as *"Integrating bus and rail transit facilities with development"*, and *"Providing well-designed buildings organized with thoughtful site and project planning"*, yet the guideline that was most influential in the vision for the Luminaire community was the VTA criteria regarding density and proximity to Light Rail

stations. The VTA Manual of Best Practices for Integrating Transportation and Land Use states an essential element to making a station a highly valued community asset is *"Providing higher density mixed land uses within ¼ to ½ mile around the station area"*. The Luminaire community meets this requirement on both counts, and as earlier discussed, is the reason some of the areas largest employers have chosen to endorse the project, as reflected in the many attached letters of support. There is an overwhelming concurrence that the proximity of diverse housing opportunities to VTA Light Rail is a key ingredient to the success of Sunnyvale businesses.

The VTA Light Rail weaves it's way through the many Moffett Park business campuses, with four of Sunnyvale's seven stations located in the Moffett Park Specific Plan area. Unfortunately the rail line is limited only to the very northern tip of Sunnyvale, and with the majority of the residential neighborhoods located farther south, it makes it difficult for a Sunnyvale employee to utilize the Light Rail if they are residing within the City boundaries.

In addition, if someone wants to live in a newer home adjacent to Sunnyvale Light Rail line, his or her options are limited to purchasing a home in the Fair Oaks area, which even in a soft housing market, are valued at approximately $650,000 to $750,000. As frequently reported in the local and nationwide news, financing is getting more difficult with down payment and credit requirements increasing. Assuming consumer confidence returns and housing is once again viewed as a stable investment, homeownership still remains much more difficult to obtain than it was even as recently as one year ago. It is unrealistic to expect a new hire at Moffett Park to have a $100,000 to $150,000 deposit, and the required credit and income level to qualify for a new Sunnyvale home the day they sign their employment agreement.

For modern rental housing, a potential resident will have to expand their housing search to the adjacent cities of Mountain View and Santa Clara, and perhaps even as far as San Jose. While this may be acceptable to the individual satisfied having found housing adjacent to the Light Rail line, it should be unacceptable for the City to allow that Sunnyvale employee to take his or her spending dollars to a competing retail market. Rather than facilitating dinner in Mountain View, shopping at Valley Fair, and a car purchase at Santa Clara's Auto Row, let's enable these employees to live and work in Sunnyvale, spend more time with their friends and family, and experience the town that existing residents are proud to call home.

To assist with the familiarity of the VTA Light Rail system, Luminaire is committing to supplying each new Luminaire tenant with the VTA Residential Eco Pass for at least one year. The Eco Pass is good for unlimited use of VTA Bus and Light Rail services, seven days a week. Where before only available to the employees of the largest Silicon Valley companies, our residents will enjoy stress free commutes, no parking hassles, and doing something good for the environment. The Eco Pass compliments the "green" building features of the community and completes the journey for today's environmentally responsible community member.

Affordable Housing

The Bay Area's desire and need for affordable housing is undeniable. For decades, local employees have been forced to move farther and farther away from their jobs in order to find housing they can afford. The impacts from this necessity ripple through our community, from congested roadways to loss of Sunnyvale retail dollars. The City must be able to provide housing for public and City employees such as public safety officers, as well as local teachers and nurses.

In addition, the Association of Bay Area Governments assigns each Bay Area city a required production allotment of affordable homes. Under California housing law, in order for the City of Sunnyvale to qualify for various community development grants, the City must be in compliance with the ABAG

housing requirements. With the recent housing market decline, builders are delaying housing starts and slowing production of the needed BMR homes.

Adding to Sunnyvale's affordable housing difficulties is the reality that the number of affordable rental homes is declining every year due to the expiration of the deed restrictions on existing homes. In 2000, there were over 400 affordable rental homes in the City. Today, that number has been reduced to 247, and with its current inventory, that number is project to be just over 100 rental homes by 2010. Trumark Companies has worked closely with the Sunnyvale Housing Division's Housing Officer and Affordable Housing Manager to formalize Luminaire's below market rate housing commitment. The addition of 46 affordable rental homes supplied by the Luminaire community will be an increase of over 20% to the City's affordable rental housing stock, and a significant offering toward the City's and ABAG's goals.

In Sunnyvale's 2006/2007 Consolidated Annual Performance Evaluation Report (CAPER), substantial conclusions were made regarding affordable rental housing. The Executive Summary addresses Sunnyvale's overall housing and community development needs. Included in the report was a City conducted *Housing and Community Development Needs Survey* to determine community's overall priorities. The report listed the top twenty ranked "*Need Category*" responses in order of priority to the members of the community. While obvious needs were found on the list such as ***"Fire Stations and Equipment"*** ranking 12th, and ***"Park and Recreational Facilities"*** ranking 8th, it was ***"Affordable Rental Housing"*** that ranked 2nd in the eyes of the community, second only to ***"Senior Centers"***.

Nancy Tivol, Executive Director of Sunnyvale Community Services has also endorsed the proposed Luminaire community and its provision of 46 affordable homes. Director Tivol states, *"The two ways to obtain affordable housing are higher density and smaller units. Your project includes both. Furthermore, it is located near light rail and bus lines, vital to low-income residents, and residents in the proposed complex could walk to jobs in Moffett Park"*. Luminaire's affordable rental housing is just one more meaningful reason the community needs this development to be a reality.

Appropriateness of Project Location

Earlier this year, the Silicon Valley / San Jose Business Journal featured a front page article about a high-density retail and housing development proposed in Santa Clara called *Santa Clara Square*. The project received opposition and criticism from local residents and even the City of Sunnyvale on the basis that the proposal is too dense and too tall for its adjacencies. The Santa Clara Planning Director, Kevin Riley, supported the application and believed it is a way to deal with the City's housing issue. Director Riley is quoted saying, *"We can't say, 'Build up the hillsides,' because we won't build on the valley floor, and if you believe we are not a rust-belt city, and that more jobs are going to bring more people, our choices are to house them in Tracy and bring them in or build housing for them here."*

This is the residential development challenge today and for years to come. It is rare that in-fill development doesn't impose on existing residents. Anytime a city attempts to respond to self-directed or ABAG housing goal requirements, they will likely be faced with compatibility issues as experienced at *Santa Clara Square*. How does a city address the concerns of a homeowner living in a post World War II, single story home facing the prospect of even the most responsibly planned multi-story, high-density building? It is difficult to accommodate all agendas when faced with looming housing requirements that can't be met with the large lot single family detached homes of yesterday.

The Luminaire community proposal was purposely planned and envisioned to deal with such compatibility issues. The City of Sunnyvale is faced with the unique opportunity to approve a needed high-density housing community that is compatible with its surroundings on all sides. On October 9th, 2001 in a joint session to discuss industrial rezoning, the City Council discussed criteria for an appropriateness for housing. Under "location consideration", staff states, ***"Proximity to jobs, light rail,***

major freeways and arterial roads. Not next to sensitive single family neighborhoods." After visiting the subject property, it clearly meets every one of the criteria for a compatible location. As discussed earlier, the site is a unique opportunity property bounded by Lawrence Expressway, Highway 237, Lawrence Station Road, and a service station on Elko Road, and just walking distance from two VTA Light Rail stations.

While this argument can be made from a simple aerial photograph, the real test is when you ask for community input at an advertised community meeting. A neighborhood meeting was held on-site on October 4th, 2007, and attended by City Planner Gerri Caruso. Only four people in all attended the meeting, all of whom were commercial landowners in the neighborhood, and their feedback was very positive. The owner of the restaurant across the street was glad to see apartment and retail uses and believed it would draw more traffic to his establishment. Another comment voiced was the support for our preservation of the existing trees and established tree canopies along Lawrence Station Road. In addition, at the July 14, 2008 Planning Commission meeting, the City opened public comment for the Draft Environmental Impact Report (DEIR). While the public had 55 days to provide comment on the DEIR, this gave the community another forum to voice concern for the project proposal. No one attended and spoke in opposition.

The reality that no one showed up in opposition to our high-density proposal at the neighborhood meeting or Planning Commission meeting is a testament to its design and appropriately chosen location. In fact, it is that location that has enabled Luminaire to receive the commercial endorsements from The Moffett Park Business and Transportation Association and the Silicon Valley Leadership Group, rather than opposition from an anti-development organization.

We sympathize with Santa Clara's struggle to meet its housing requirements, and we also understand and agree with concerns of impact to the Sunnyvale residents. It is a continuous challenge to appease the competing land use interests when attempting meaningful in-fill development. We respectfully request that the Sunnyvale city leaders consider this challenge when considering the location of this proposed community. We hope you will agree that based on its adjacencies, it was purposefully designed and located.

Luminaire Building Design

As important as the property location is the design of the building. Luminaire's building design responds to specific site conditions combined with lifestyle conveniences preferred by today's residents. Due to the significant visibility from all but one side of the Luminaire community, by design, the parking was designed to be screened from the public by surrounding the two conveniently located parking garages by mixed-use buildings. Podium-style buildings have visible parking at the pedestrian level with residential units above, thus podium projects tend to be taller at similar densities.

Luminaire's 'Wrap-Style' design allows ground level uses with stoop-style walk-up residential and Live/Work units, as well as street facing retail shops at the pedestrian level, instead of visible parking. The design also allows residents and guests to park on the same level as their units. This direct connection allows convenient access for bringing home groceries and other daily items, while also creating a strong sense of security for guests and residents.

Finally, Wrap design also provides all outdoor recreation areas on-grade. Podium-Style buildings have recreation areas above parking garages on a concrete deck, thus limiting the depth of planting areas. The design permits deeper pools, natural drainage, less concrete hardscape, unrestricted root growth and overall, a healthier landscaped environment.

Live / Work Office Space

Complementing the City's rich history, the Silicon Valley is known around the world as the birthplace of incubator office space. Apple Computer, for example, started in a garage, while the Atari Corporation started in the 2nd bedroom of an innovator's home. Today, the need for incubator space is as high as ever and the Live/Work model provides a modern version of yesterday's incubator garages and bedrooms. One and two-bedroom apartments with direct access above large, conditioned workspaces will be popular in Sunnyvale and a modernized reflection of Sunnyvale's past.

A variety of businesses thrive in a Live/Work setting. Accountants, Physical Therapists, Personal Trainers, Architects, Graphic Designers, Travel Services, Web Designers, Personal Counselors, Hair Stylists, Artists, and Music Teachers, are only a few examples of the potential tenants. These businesses provide professional and neighborhood services without leaving home. Lawrence Station Road and its canopy of existing street trees provide the ideal Live/Work setting.

The Celebration of Sunnyvale's History

In the fall of this year, the Sunnyvale Historical Society and Museum Association will finally be realizing a dream that begun over forty years ago. On September 27, 2008, the Association will dedicate the new Heritage Park Museum, constructed as a near replica of the earlier Murphy Family home. The museum will provide exhibits with valuable local artifacts, promote city pride, and educate today's community with yesterday's significant City accomplishments. When Martin Murphy established the foundation for what has become the proud City of Sunnyvale back in the mid-19th century, it is unlikely even he imagined how this valley would influence and change lives worldwide. It is that important history that we must remember and celebrate through the tenacious efforts of the Sunnyvale Historical Society.

The Luminaire community will be home to many members of today's hi-tech workforce seeking executive living in a modern "green" building close to their employment campuses. While these residents desire modern amenities and contemporary home specifications as they work on tomorrow's advancements, Trumark decided it would be the perfect opportunity to link them back to the history of the City. The Sunnyvale Historical Society and Museum Association agreed with our vision, and has since worked closely with us to develop the Luminaire Historic Walking Tour.

The Luminaire Historic Walking Tour will comprise of ten stations with monuments, sculptures and stories celebrating Sunnyvale's past, and educating its visitors. An outline of the complete walking tour brochure was created with a joint effort between Trumark Companies and the Sunnyvale Historical Society. This brochure will serve as a guide to members of the public visiting the walking tour, and it will also be available at the new Heritage Park Museum, in a cross-pollination effort for the new museum location exhibits. The brochure is available from staff for your review.

Luminaire Community Endorsements

As part of a responsible development process, Trumark has reached out to its neighbors, both in the near community and the greater Bay Area. Our effort has been to understand the needs of the surrounding business and non-profit communities and to build consensus by responding to those needs through a proactive development approach. From exemplifying environmental sustainability to promoting Silicon Valley business growth and from taking a big step towards Sunnyvale's affordable housing goals to meeting the criteria for a logical industrial conversion, Luminaire has garnered strong endorsements from a variety of key local and regional organizations.

The endorsement process is quite involved in that each of these organizations must determine how its own needs and agendas are met through Luminaire as a whole. Trumark presented the proposed development in depth to organization executives and review committees. We then stepped aside and allowed each

organization to conduct further analysis by discussing the proposal with Sunnyvale decision makers, talking with other neighbors and stakeholders, evaluating the overall impacts and benefits of the development and finally reaching an independent conclusion to collectively endorse the proposal.

It would be simple to provide endorsements from companies and organizations in the building trades, however, upon review of the endorsement list you will see the eclectic range of well respected community members supporting Luminaire. From the beginning, Trumark has made our point clear; we believe in this project for it's appropriate density, its proximity to Light Rail, its large supply of affordable housing, its support of local Sunnyvale businesses, its needed neighborhood retail, Live/Work, and its celebration of Sunnyvale's rich history, to name only a few of the community benefits.

We ask you now to listen to the voices of those that chose to endorse this proposed community and ask yourself "Why?" Why would an organization that represents industry, support a land use change from industrial to residential? Why would commercial businesses care enough about the success of a residential application to perform their own internal research, then issue a document of support? Why would such an eclectic group of organizations, with such diverse agendas, stand up together in support of this project? Perhaps the approval and success of this project means more than just a color on a Land Use map, or the desire of a developer. Perhaps it is a responsible proposal that has been successfully planned to meet the various needs of the community. We ask that you take the time to read the attached endorsements and again, ask yourself these questions. We hope you will agree that the years spent on the Luminaire community development have been purposeful and appropriate.

Below are some of the written statements about Luminaire from our endorsements:

"The Leadership Group is also concerned about land use conversions in terms of compatibility. In this case, although this site was not originally identified in the City's ITR process for conversion, we believe Trumark's mixed use and housing development proposal is a good fit for this gateway location in Sunnyvale. We support a mixed use and housing project for this site."
-- Silicon Valley Leadership Group

"One of the business concerns that affect MPBTA members is the availability of local, quality housing for members' employees. The MPBTA supports the additional of quality housing units within the City of Sunnyvale to help meet this need. Further, we strongly support the development of housing proximate to mass transit. This is why the MPBTA supports the development of Trumark's Luminaire mixed housing and retail project. The innovative design provides quality housing near mass transit and the Moffett Park area, and offers retail to the tenants and community. As MPBTA discerns, these complex needs are smartly addressed in your development."
--Moffett Park Business & Transportation Association

"The Luminaire project scored extremely highly in all the criteria we employ to evaluate proposed housing projects, namely; transit orientation, project size, efficient use of land, adaptive re-use of land, promotion of affordability, environmental design, mixed use, and the promotion of community input to the design process. The Housing Endorsement Committee feels that this is precisely the type of dense, transit-oriented, infill housing that Sunnyvale and the rest of the Bay Area should be promoting and building if we are to preserve the health of our economy and our physical environment."
--Bay Area Council

"For 50 years, Greenbelt Alliance has protected the region's working farms and natural areas while making the Bay Area's cities better places to live. A key component of our work is identifying where new growth should occur and which development proposals best meet the needs of the region. Our Compact Development Team (CDT) endorses and advocates for livable, transit-accessible communities with a wide

range of housing options for families of all sizes and income levels. The CDT evaluated the Luminaire project proposed by Trumark Companies using an established set of guidelines. We write in support of this development because we feel it will be a gain for this neighborhood. Due to its location, its pedestrian-friendly aspects, and its inclusiveness, the Sunnyvale Planning Commission and City Council should approve the Luminaire proposal."
--Greenbelt Alliance

"The two ways to obtain affordable housing are higher density and smaller units. Your project includes both. Furthermore, it is located near light rail and bus lines, vital to low-income residents, and residents in the proposed complex could walk to jobs in Moffett Park".
--Sunnyvale Community Services

"As long time advocates for more homes, the Housing Action Coalition believes this development proposal is an appropriate fit for this site. Finding land suitable for more homes can often be the most challenging element of housing development. It is our hope that the City will view this property as a good place to convert underutilized industrial land to a new mixed use community that will provide new homes for those who contribute to our community and economy. In particular, we are pleased to see a rental product proposed since rental housing is a much needed housing product type."
--Santa Clara County Housing Action Coalition

"We believe that sharing the History of Sunnyvale with new residents will establish a sense of pride with Sunnyvale and encourage them to become further invested in the City of Sunnyvale. Furthermore, the Historic Walking Tour will also educate and connect existing adjacent business employees and residents in the North Sunnyvale area with the rich history of Sunnyvale."
--Sunnyvale Historical Society

Conclusion

This project report summary provides our point of view for the appropriateness of this project. We have explained the path we have taken to get here, and we have worked closely with staff and made many accommodations along the way. Even with all of the tremendous details of this application and community design, we always comeback to the same conclusion; *this proposed community simply makes sense*. It is the right project in the right location, at the right time to meet the City's needs. The benefits are extensive, and the support is legitimate.

This entitlement process started with the broadest of departmental review, to the finely discussed details for solid waste chute locations and disposal. We have accommodated the needs of the fire department's access, and creatively designed the artistic elements of the active community spaces. Storage, parking, noise, and sewer capacity have been studied and solved. We have worked with Sunnyvale's Department of Community Development - Housing Division to solidify an inclusionary housing commitment of 46 below market rate homes within the project. This community is no longer a vision or an idea; in fact, in our eyes, it is poised to serve the needs of the community.

While this report only touches on a handful of project talking points, we have additional information that we are eager to share with those further interested. The ultimate purpose of this report summary is to demonstrate that the Luminaire community proposal is not conceptual, and hasn't been since the City Council's approval of a General Plan Amendment Initiation over two and a half years ago. Trumark Companies has worked in good faith to accommodate the various departmental interests with creative problem solving and prompt attention to City needs, all the while never losing the overall vision, purpose, and meaning of this valuable addition to the community. The Luminaire proposal is supported by diverse and respected members of Sunnyvale's community. We ask you to embrace Luminaire as the exciting example of a sustainable, green, transit oriented, and purposeful City gateway landmark project that it is.

As always, our development team is available to discuss project concerns or explain additional benefits. There have been years of work invested into this project, and we appreciate the countless hours the City has shared towards the successful processing of our application.

Silicon Valley Leadership Group
30th Anniversary

224 Airport Parkway, Suite 620
San Jose, California 95110
(408)501-7864 Fax (408)501-7861
http://www.svlg.net

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DAVID PACKARD

March 27, 2008

Aaron Yakligian
Project Leader
Trumark Companies
4185 Blackhawk Plaza Circle, Suite 200
Danville, CA 94506

Dear Mr. Yakligian,

On behalf of the Silicon Valley Leadership Group, I am writing to express our support of your development proposal in Sunnyvale called Luminaire near Lawrence Expressway and 237.

By way of background, the Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett Packard, represents more than 250 of Silicon Valley's most respected employers. Leadership Group members collectively provide nearly 250,000 local jobs, or one of every four in the private sector in Silicon Valley.

On an annual basis, the Leadership Group surveys its members to find out the top impediments to doing business in Silicon Valley. Every year housing affordability tops the list. More specifically, we are interested in the production of homes that use land more efficiently and provides housing choices close to jobs and services.

The City of Sunnyvale has been proactive in identifying areas appropriate to convert from industrial to residential. The Leadership Group is also concerned about land use conversions in terms of compatibility. In this case, although this site was not originally identified in the City's ITR process for conversion , we believe Trumark's mixed use and housing development proposal is a good fit for this gateway location in Sunnyvale.

We support a mixed use and housing project for this site. Please let us know how we can be helpful in shepherding the development proposal through the process.

Sincerely,

Carl Guardino
President & CEO

MOFFETT PARK

BUSINESS & TRANSPORTATION ASSOCIATION

March 14, 2008

Aaron Yakligian
Trumark Companies
4185 Blackhawk Plaza Circle, Suite 200
Danville, CA 94506

Dear Mr. Yakligian:

The Moffett Park Business and Transportation Association (MPBTA) would like to express our support for Trumark's Luminaire development.

By way of reference, the MPBTA is a non-profit, membership-based organization. Our membership includes such companies as Cgrafx, Infinera, Jay Paul, Juniper Networks, Labcyte, Lockheed Martin Space Systems, Network Appliance Inc., and Yahoo, and employs approximately 14,000, Sunnyvale-based employees. The MPBTA's objectives are to address local business concerns that affect the membership, reduce traffic congestion in the Moffett Park area, and advocate for better transportation solutions for our members.

One of the business concerns that affect MPBTA members is the availability of local, quality housing for members' employees. The MPBTA supports the addition of quality housing units within the City of Sunnyvale to help meet this need. Further, we strongly support the development of housing proximate to mass transit. This is why the MPBTA supports the development of Trumark's Luminaire mixed housing and retail project. The innovative design provides quality housing near mass transit and the Moffett Park area, and offers retail to the tenants and community. As MPBTA discerns, these complex needs are smartly addressed in your development.

For these reasons MPBTA finds the Luminaire project aligns with the goals of MPBTA and warrants the support of our association.

Sincerely,

K Haywood

Kerry Haywood
Executive Director

Cc: MPBTA Board of Directors

P.O. Box 60995, Sunnyvale, CA 94088-0995
Phone: 408.822.6115 / Fax: 408.822.4463

WWW.MPBTA.ORG

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President & CEO
Federal Reserve Bank of San Francisco
Ex Officio
JIM WUNDERMAN
President & CEO
Bay Area Council

** Retiring

March 11, 2008

Mr. Steven Huang AICP
Trumark Companies
4185 Blackhawk Plaza Circle, Suite 200
Danville CA, 94506

Dear Mr. Huang,

The Bay Area Council endorses the Luminaire project.

The Luminaire project scored extremely highly in all the criteria we employ to evaluate proposed housing projects, namely; transit orientation, project size, efficient use of land, adaptive re-use of land, promotion of affordability, environmental design, mixed use, and the promotion of community input to the design process.

The Housing Endorsement Committee feels that this is precisely the type of dense, transit-oriented, infill housing that Sunnyvale and the rest of the Bay Area should be promoting and building if we are to preserve the health of our economy and our physical environment.

The lack of all types of housing at all levels of affordability has become a major threat to the economy of the Bay Area. The region's employers are finding it increasingly difficult to attract and keep the top talent in the Bay Area because the high cost of housing here. With our population expected to grow by 20% in the next 25 years, this housing shortage, along with associated problems of sprawl, congestion and environmental pollution, are going to get much worse unless more projects like Luminaire are approved and built.

We congratulate you, and Trumark Companies, for producing a well designed and well situated project that will provide much needed housing for the residents of Sunnyvale.

Sincerely,

Matt Regan
Director of Housing
Bay Area Council

The Bay Area Council is a business-sponsored, public-policy advocacy organization for the nine-county Bay Area. The Council proactively advocates for a strong economy, a vital business environment, and a better quality of life for everyone who lives here.

GREENBELT ALLIANCE
Open Spaces & Vibrant Places

Friday, February 22, 2008

Mayor Tony Spitaleri
And City Councilmembers,
Planning Commissioners
Sunnyvale City Hall
456 West Olive Avenue
Sunnyvale, CA 95086

RE: Luminaire Development Proposal - SUPPORT

Dear Mayor Spitaleri and Members of the City Council and Planning Commission:

For 50 years, Greenbelt Alliance has protected the region's working farms and natural areas while making the Bay Area's cities better places to live. A key component of our work is identifying where new growth should occur and which development proposals best meet the needs of the region. Our Compact Development Team (CDT) endorses and advocates for livable, transit-accessible communities with a wide range of housing options for families of all sizes and income levels. The CDT evaluated the Luminaire project proposed by Trumark Companies using an established set of guidelines. We write in support of this development because we feel it will be a gain for this neighborhood. Due to its location, its pedestrian-friendly aspects, and its inclusiveness, the Sunnyvale Planning Commission and City Council should approve the Luminaire proposal.

The Luminaire project is bound by State Route 237 to the north, Lawrence Station Road to the east, Elko Drive to the south, and Lawrence Expressway to the west. A network of existing bike lanes surrounds it. Trumark proposes 348 rental homes, 16,000 square feet of retail, amenities such as a swimming pool and History Walk, and open space. It has been said many times that the key to real estate is location. Trumark's selection of this site shows they are aware of this important principle. By adding compact new homes to a jobs-rich area well served by VTA, Trumark is ensuring that residents of Luminaire will not have to jump in the car for every errand and will have the option of taking transit, or even walking, to work. The project is also near downtown, meaning that this is an appropriate place for Sunnyvale to be growing.

Every new development is an opportunity to remedy the car-oriented growth of the past. Realizing this, Trumark has proposed a project that adds a pedestrian-friendly edge, with welcoming front stoops, along Lawrence Expressway. Clever design features, including interior courtyards, will help buffer the noise from the Expressway. Other amenities, including a koi pond, sculpture plaza, and street furniture, will contribute to the neighborhood's livability. A History Walk encircling the project will showcase the proud past of Sunnyvale as well as link up the project's open spaces, giving residents an opportunity for recreation. Since this project is mixed-use, featuring 16,000 square feet of retail space, future residents as well as those who currently work and live nearby will have a chance to access needed services on foot or via transit. Furthermore, all of the project's parking is wrapped by the development itself, meaning that pedestrians will no longer have to navigate the kind of vast parking lots that currently exist onsite.

The developer's commitment to building a high-quality community is enhanced by its plan to exceed the required percentage of homes to be rented at below-market rates. By proposing 15% of the homes in this project be affordable, Trumark is helping the City of Sunnyvale meet its obligation to provide homes we can

MAIN OFFICE • 631 Howard Street, Suite 510, San Francisco, CA 94105 • (415) 543-6771 • Fax (415) 543-6781
SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • Fax (408) 983-1001
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INFO@GREENBELT.ORG • WWW.GREENBELT.ORG

all afford. This move ensures that people who work in Sunnyvale can also afford to live there, reducing the amount of time people have to spend stuck in traffic rather than relaxing with family and friends.

Greenbelt Alliance encourages Trumark to permanently provide VTA Eco Passes to residents of this development, to make sure bike racks and secure bicycle parking end up in the project, and to continue to explore the idea of shared parking as a way to provide only as much parking as is needed.

In closing, Greenbelt Alliance applauds the City of Sunnyvale's focus on existing infill sites for new homes, jobs, and shops. This kind of development combats climate change and alleviates pressure to pave over natural areas and working farms while providing homes for the people who live and work in the community. Greenbelt Alliance is particularly pleased that the developer is also seeking LEED certification from the U.S. Green Building Council (USGBC). Nationwide, 65% of electricity consumption and 30% of greenhouse gas emissions come from buildings themselves, according to USGBC[1]. By achieving LEED certification, the developer will greatly lower the footprint of this project, and thus the impact of Sunnyvale, on global climate change. For these reasons, Greenbelt Alliance strongly urges the Planning Commission and City Council's support of the Luminaire development.

Regards,

/s/

Marla Wilson
Livable Communities Outreach Coordinator

[1] http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1718

GREENBELT ALLIANCE
Open Spaces & Vibrant Places

endorses

Luminaire

Trumark Companies
1287 Lawrence Station Road
Sunnyvale, California

as an example of

high-quality infill development

This project is an example of the kind of development the Bay Area needs to accommodate growth while protecting open space and making cities better places to live. Greenbelt Alliance has endorsed this development because it meets guidelines that include pedestrian-oriented design, access to transit, efficient land use, and affordable homes.

Since 1958, Greenbelt Alliance has been the Bay Area's advocate for open spaces and vibrant places.

www.greenbelt.org

ATTACHMENT D
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Sunnyvale Community Services
725 Kifer Road, Sunnyvale, CA 94086 (408) 738-4321
Working to Prevent Homelessness and Hunger

March 25, 2008

Aaron Yakligian
Senior Project Leader
Trumark Companies
4185 Blackhawk Plaza Circle, Suite 200
Danville CA 94506

Dear Mr. Yakligian:

Following our conversation, I am writing to endorse strongly Trumark's proposed mixed-use development called Luminaire at 1287 Lawrence Station Road.

As the Executive Director of Sunnyvale Community Services, I know that the most pressing need confronting the low-income families and seniors we serve is affordable housing (and that the term "affordable housing" is usually an oxymoron in Sunnyvale). According to the City's 2005-2010 Consolidated Plan, 27.3% of Sunnyvale residents falls equally in extremely low, very low, and low income categories. The two ways to obtain affordable housing are higher density and smaller units. Your project includes both. Furthermore, it is located near light rail and bus lines, vital to low-income residents, and residents in the proposed complex could walk to jobs in Moffett Park.

I know that when higher density housing complexes are proposed in or near residential areas, there is widespread opposition. Your complex, however, is not located in a residential area and is virtually a self-contained "island." From what I understand, the closest neighbors are retail stores eager to have the complex built to result in more customers. Luminaire would provide much needed affordable housing and 52 BMR units that would be a great benefit to those who are on the waiting list.

Please let me know if I can anything else to support the Luminaire project.

Sincerely,

Nancy S. Tivol
Executive Director

Santa Clara County Housing Action Coalition

The Santa Clara County Housing Action Coalition is comprised of a broad range of organizations and individuals who have, as a common goal, the vision of affordable, well-constructed and appropriately located housing

March 25, 2008

Aaron Yakligian
Trumark Companies
4185 Blackhawk Plaza Circle, Suite 200
Danville, CA 94506

Dear Mr. Yakligian,

On behalf of the Housing Action Coalition of Santa Clara County, we are writing to support your development proposal near Lawrence and 237 in Sunnyvale called Luminaire.

By way of background, the Housing Action Coalition includes more than 100 organizations and individuals. Its goal is the production of well-built, appropriately-located homes that are affordable to families and workers in Silicon Valley. Organizations participating in the HAC include the Silicon Valley Leadership Group, the Home Builders Association, Greenbelt Alliance, the Sierra Club, the League of Women Voters, Santa Clara County Association of Realtors, and the California Apartment Association Tri-County Division.

As long time advocates for more homes, the Housing Action Coalition believes this development proposal is an appropriate fit for this site. Finding land suitable for more homes can often be the most challenging element of housing development. It is our hope that the City will view this property as a good place to convert underutilized industrial land to a new mixed use community that will provide new homes for those who contribute to our community and economy. In particular, we are pleased to see a rental product proposed since rental housing is a much needed housing product type.

Please let us know how we can be of assistance as this proposal makes its way through the development process.

Sincerely,

Margaret Bard
HAC Co-Chair

Chris Block
HAC Co-Chair

Housing Action Coalition, c/o SVLG, 224 Airport Parkway, Suite 620, San Jose, CA. 95110

Sunnyvale, California

Sunnyvale Historical Society and Museum Association

Santa Clara County

P.O.Box 61301 Sunnyvale, CA 94088

(408) 749-0220

March 17, 2008

To: TRUMARK COMPANIES
4185 Blackhawk Plaza Circle
Suite 200
Danville, CA 94506

From: Sunnyvale Historical Society and Museum Association
Sunnyvale, CA 94087

RE: ENDORSEMENT for Luminaire's Historic Walking Tour and Brochure

Dear Trumark Companies,

On behalf of the Sunnyvale Historical Society and Museum Association, we The Executive Board, fully endorse the proposed historic walking tour as designed to be an integral park of the proposed mixed-use neighborhood known as Luminaire by Trumark Companies.

We understand that Luminaire proposes 348 rental apartments and 16,000 square feet of neighborhood supporting retail shops, restaurants and services at the intersection of Lawrence Expressway and Elko Drive. The historic walk is a collection of 10 stories of Sunnyvale's history displayed in the public spaces fronting Luminaire along Lawrence Station road and within the proposed publicly accessible neighborhood park.

We believe that sharing the History of Sunnyvale with new residents will establish a sense of pride with Sunnyvale and encourage them to become further invested in the City of Sunnyvale. Furthermore, the Historic Walking Tour will also educate and connect existing adjacent business employees and residents in the North Sunnyvale area with the rich history of Sunnyvale.

This letter also provides Trumark Companies with the Sunnyvale Historical Society and Museum Association's approval to produce the Historic Walk Brochures as designed for public distribution. The brochures are intended to tell the 10 selected stories of Sunnyvale's history, while also directing the public to the Historic Walking Tour and new Museum.

The Sunnyvale Historical Society and Museum Association is grateful to Trumark Companies for the coordinated and cooperative process to create the Sunnyvale Historic Walking Tour and brochure to our satisfaction.

Sincerely,

Jodi Gordon

Rosa Romano, President Jodi Gordon, Secretary Johan Koning, Treasurer

Rosa Romano

Trumark Companies

September 19, 2008

Mr. Steve Lynch
Senior Planner
City of Sunnyvale

RE: Luminaire Light Rail Connection Plan Offer

Dear Steve:

Trumark Companies is proud to present the City of Sunnyvale with the attached 20-page Light Rail Connection Plan offer. This plan offers on- and off-site improvements to be implemented by all reasonable efforts in association with the Luminaire mixed-use neighborhood.

Plan Goal:

- The goal of the Luminaire Light Rail Connection Plan is to promote and encourage use of the VTA light rail system.

Plan Objectives:

- Educate residents, guests and retail patrons about VTA by providing an informational Kiosk at Luminaire showing the transit system map, directions to Vienna Station, and the variety of regional attractions accessible by light rail.
- Encourage use of the light rail system by providing every apartment with an ECOPASS for the first year.
- Improve pedestrian safety along the West edge of Lawrence Expressway by installing a 42" high decorative railing to separate pedestrians from travel lanes between Elko Drive and Tasman Drive.
- Improve pedestrian safety by installing a button-activated flashing light crosswalk on Tasman Drive on the East end of the Vienna Station platform.
- Improve the pedestrian experience by installing additional trees, groundcover and vines on the West edge of Lawrence Expressway.

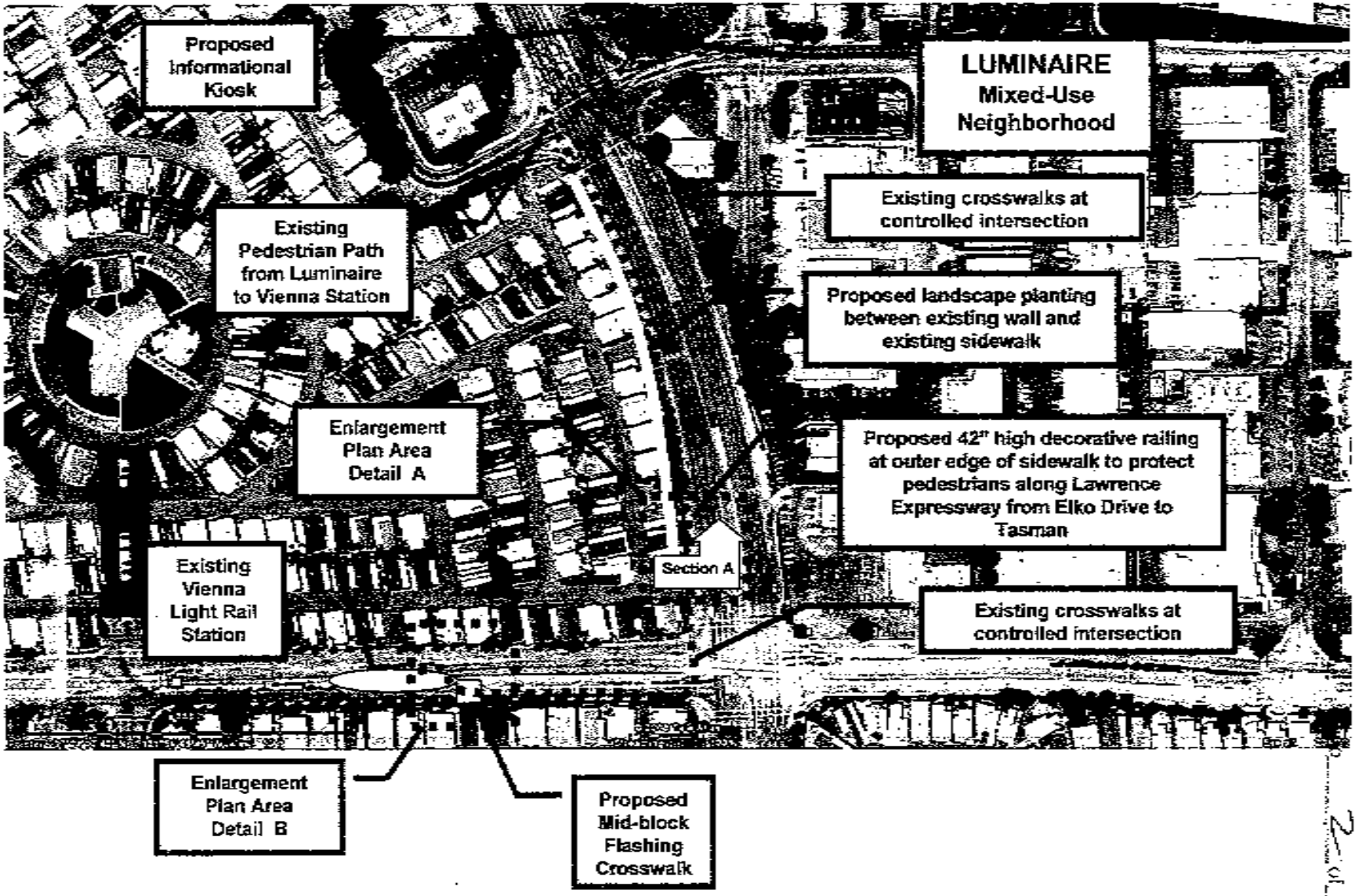
The Luminaire Light Rail Connection Plan will encourage the use of light rail by educating residents, guests and retail patrons, and by improving the aesthetics and pedestrian safety to and from the Vienna Light Rail Station.

Sincerely,
TRUMARK COMPANIES

Garrett Hinds, AICP
Director of Architecture

4185 BLACKHAWK PLAZA CIRCLE · SUITE 200 · DANVILLE, CA 94506 · (925) 648-3300 · FAX (925) 648-3130

ATTACHMENT E
Page 1 of 14



Proposed Luminaire Light Rail Connection Plan

ATTACHMENT E
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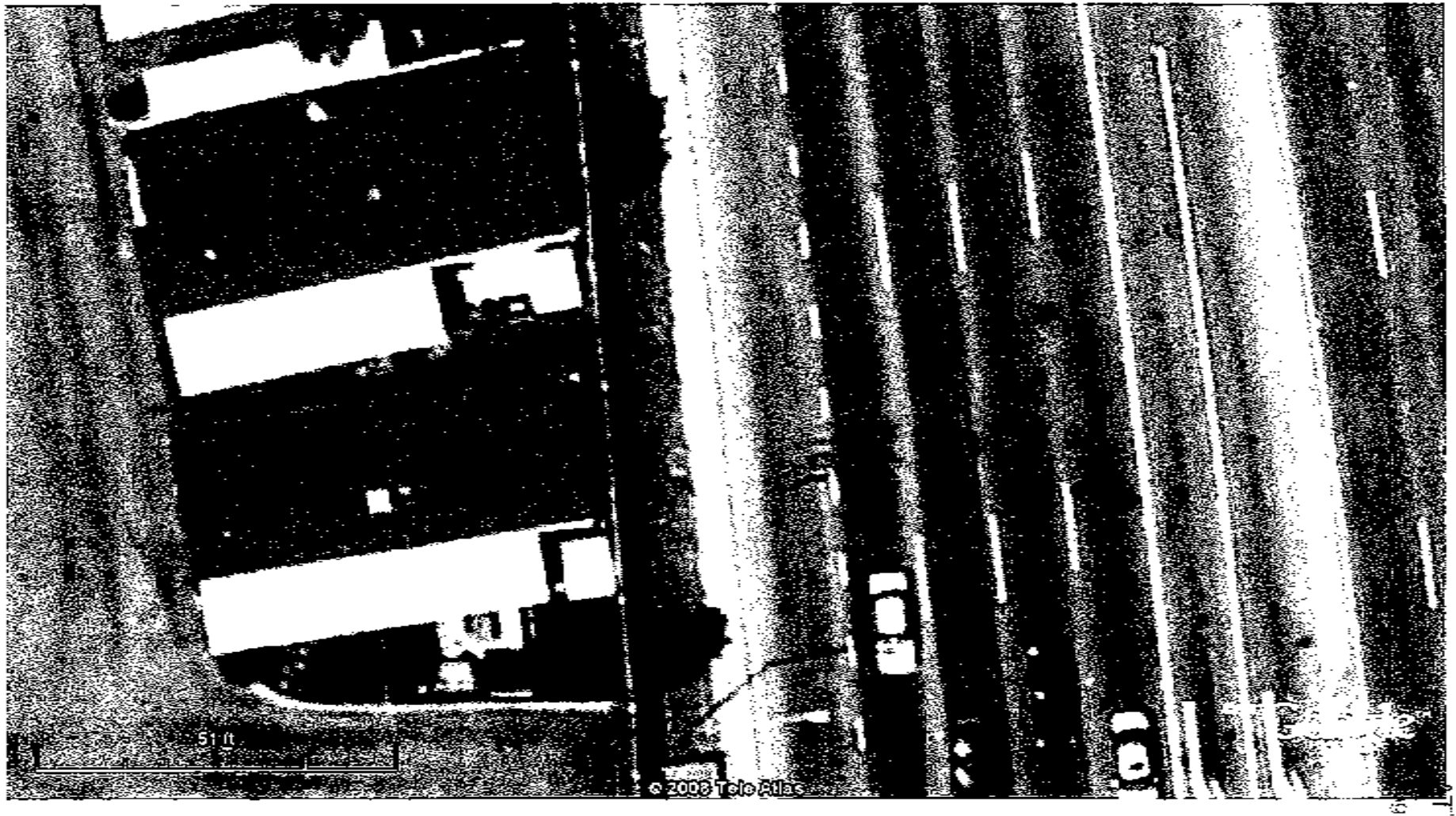

ATTACHMENT F
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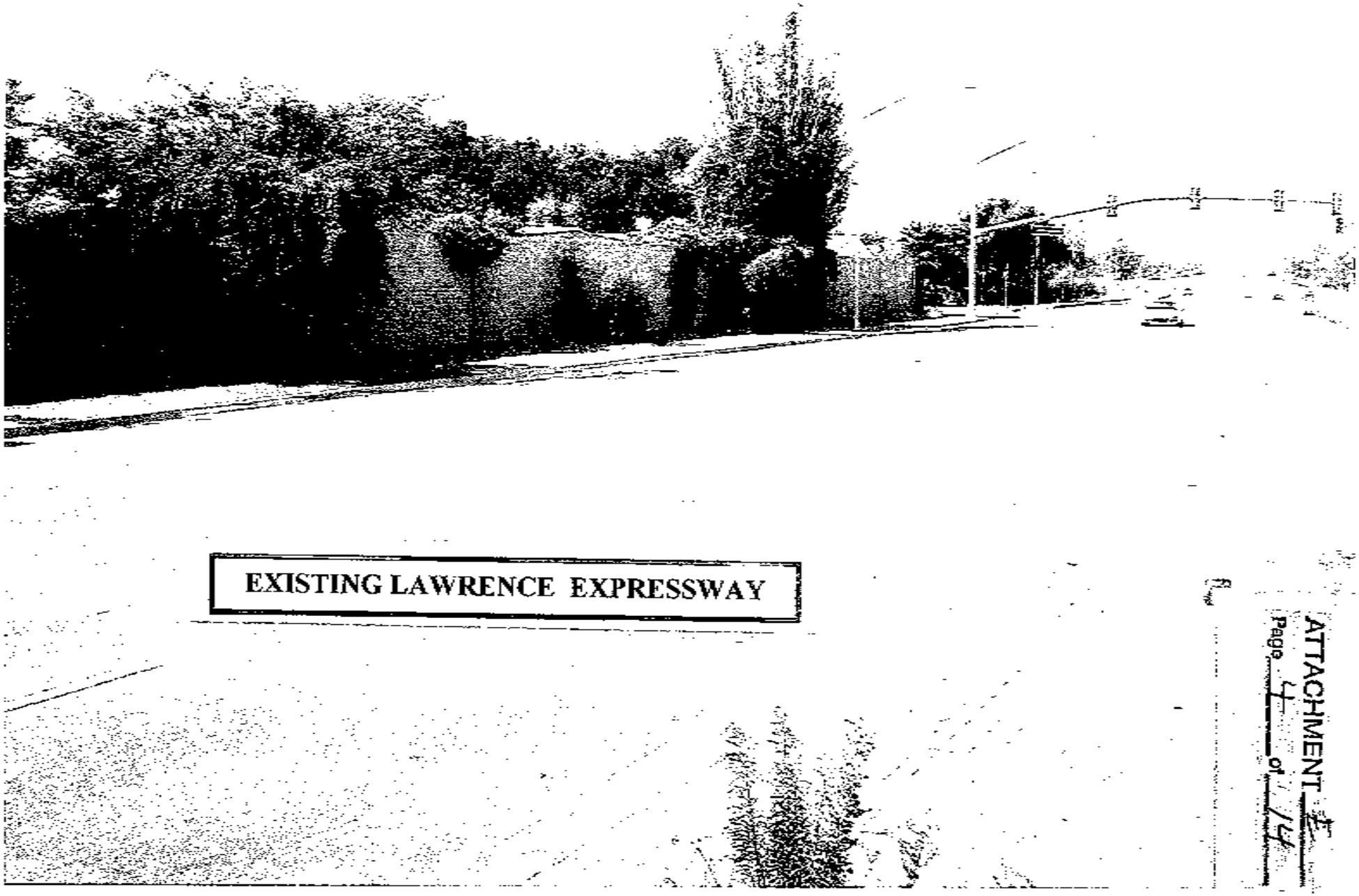
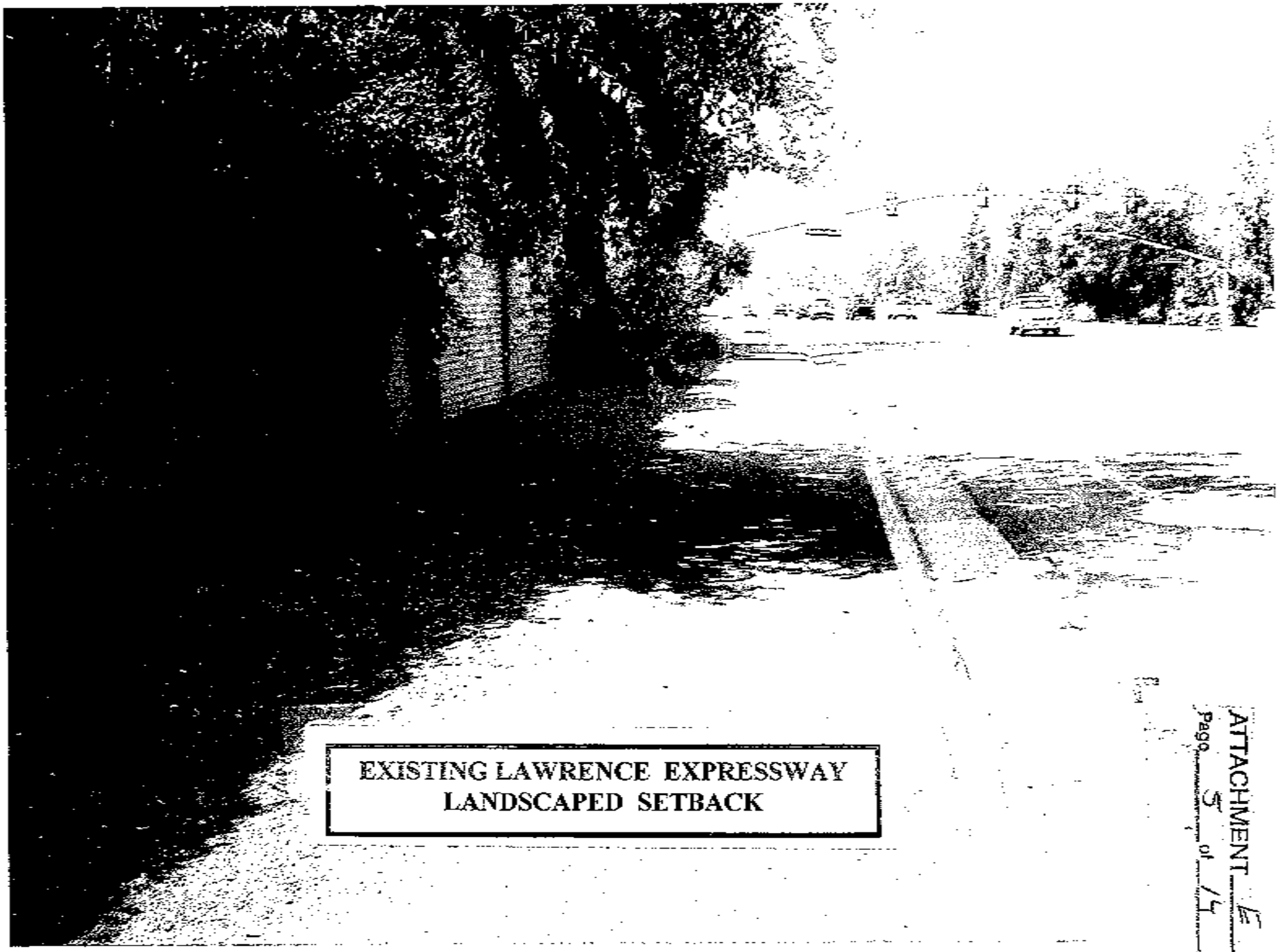
LIGHT RAIL CONNECTION PLAN

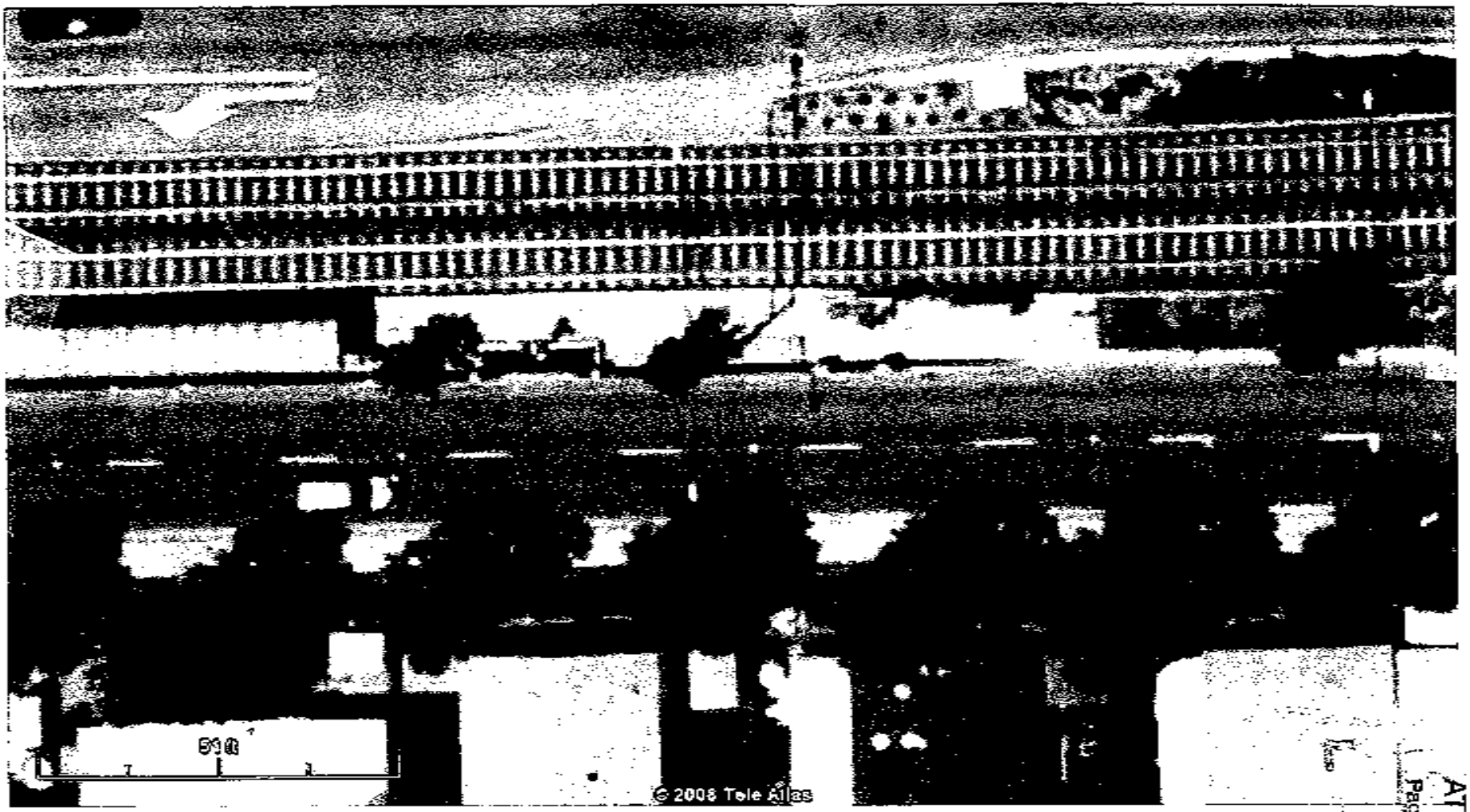
LAWRENCE EXPRESSWAY

A.
EXISTING


EXISTING LAWRENCE EXPRESSWAY



EXISTING LAWRENCE EXPRESSWAY
LANDSCAPED SETBACK



VIENNA STATION

LIGHT RAIL CONNECTION PLAN

TASMAN DRIVE

B.

EXISTING

ATTACHMENT E

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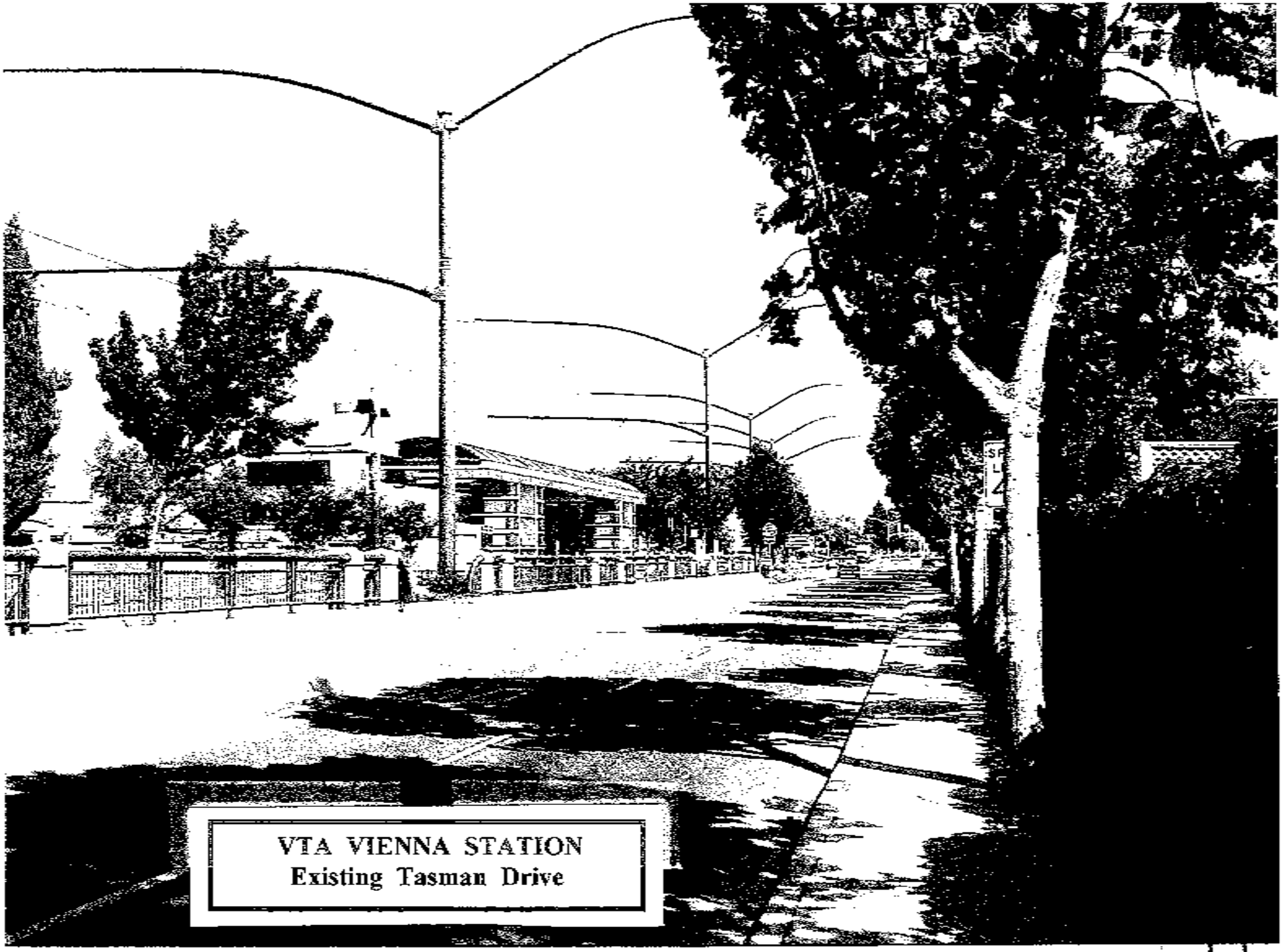
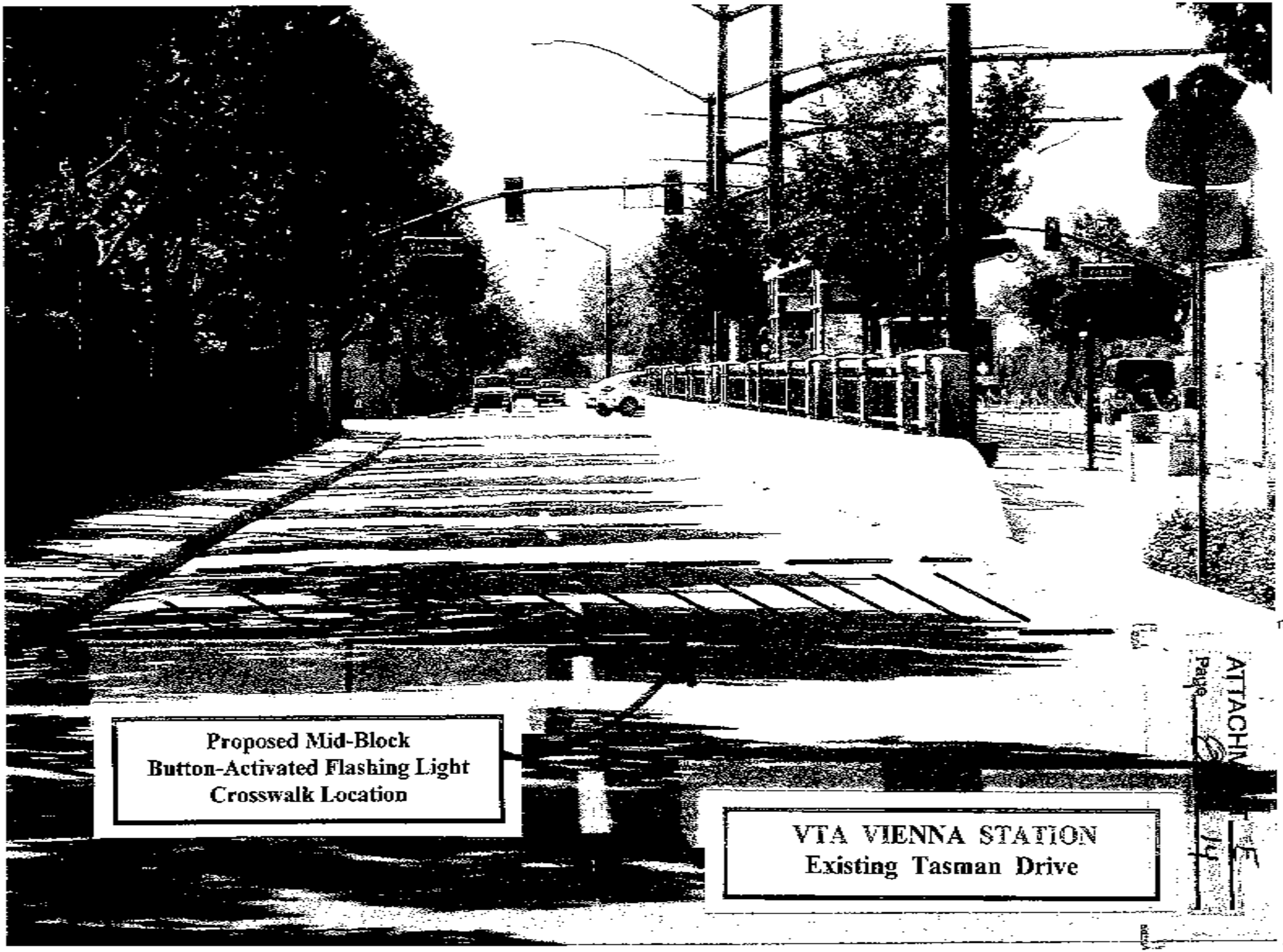
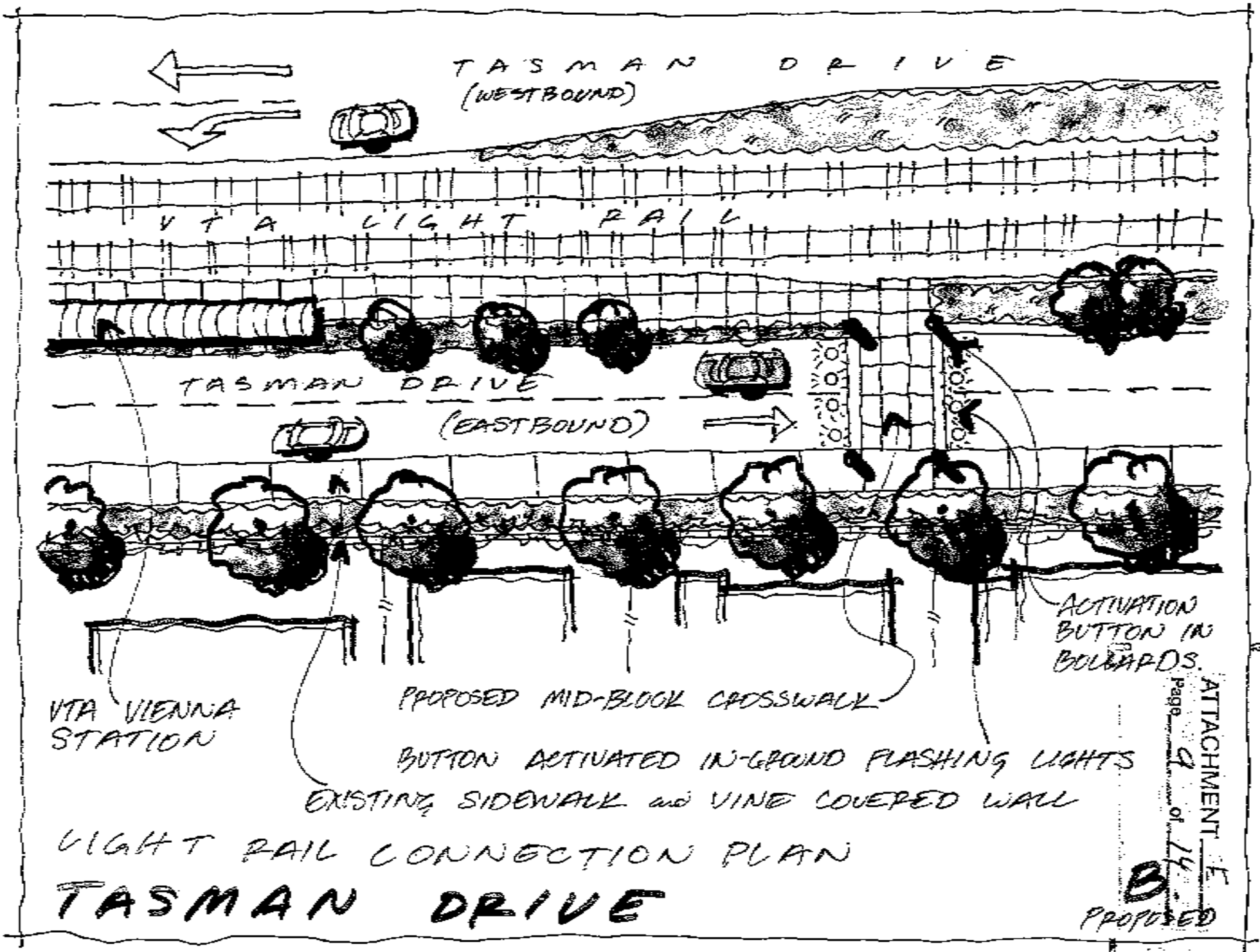


VTA VIENNA STATION
Existing Tasman Drive



ATTACHMENT E
Page 14



ATTACHMENT E
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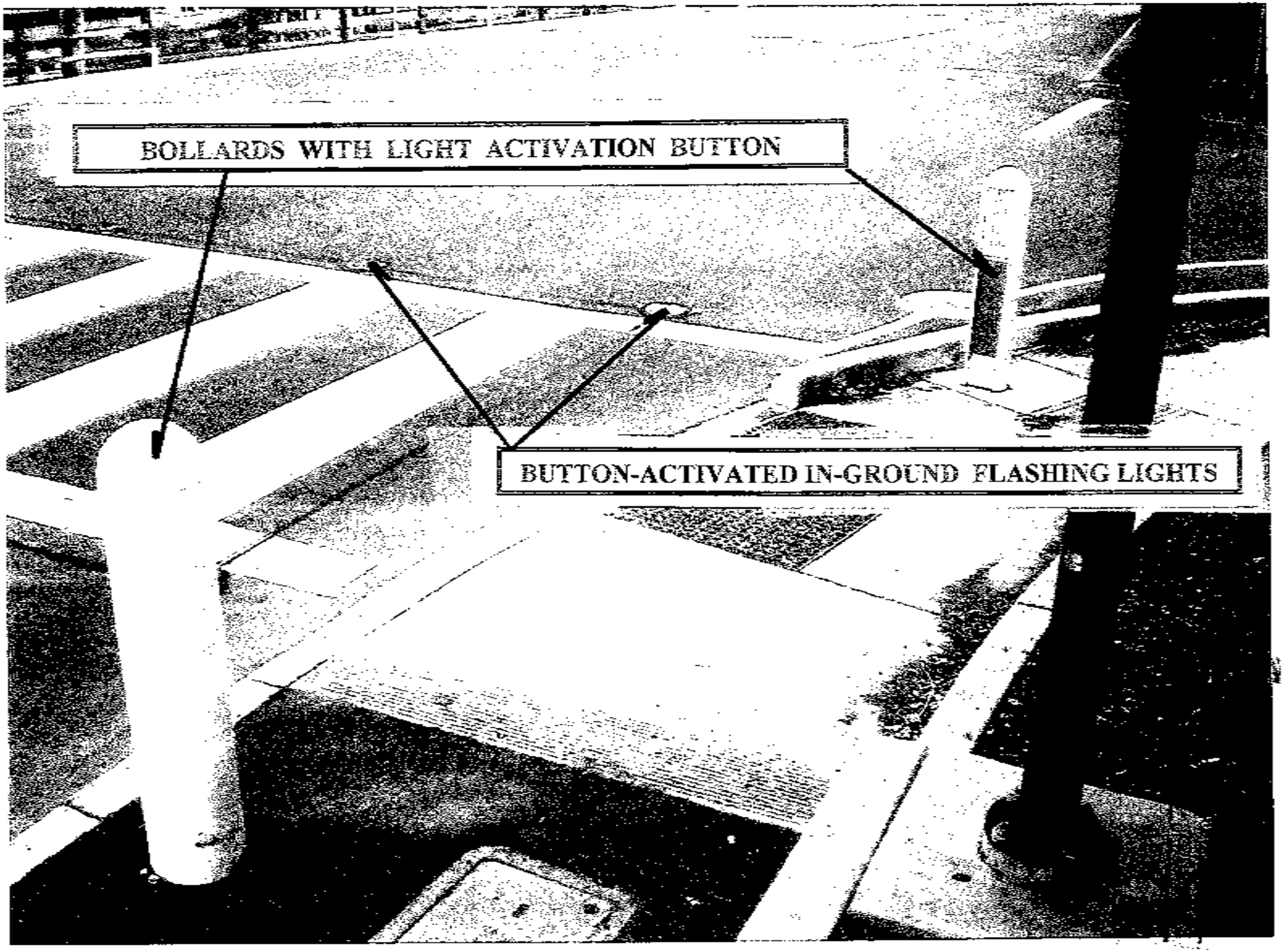
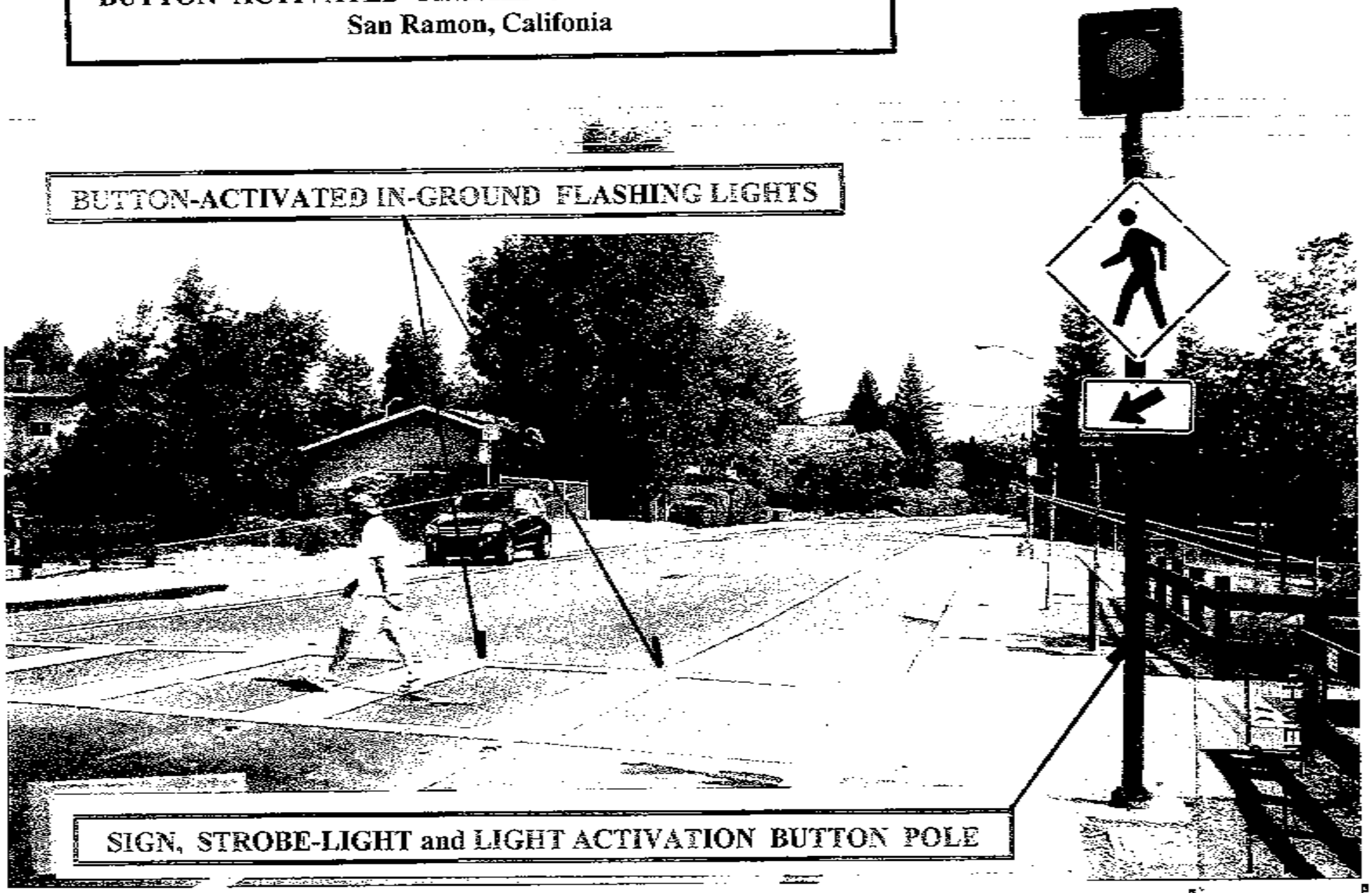
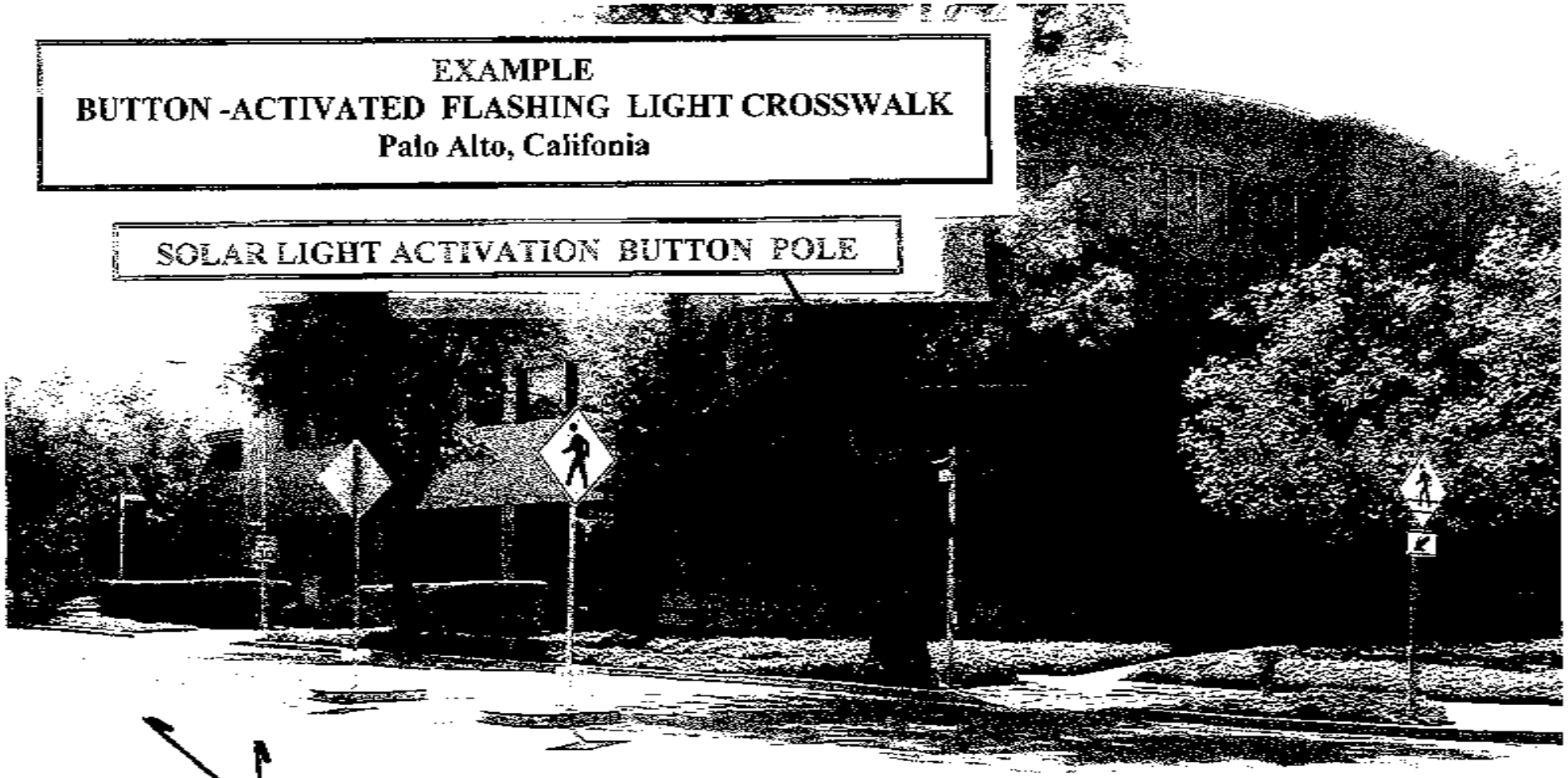

BOLLARDS WITH LIGHT ACTIVATION BUTTON
BUTTON-ACTIVATED IN-GROUND FLASHING LIGHTS

EXAMPLE
BUTTON -ACTIVATED FLASHING LIGHT CROSSWALK
San Ramon, Califonia



EXAMPLE
BUTTON -ACTIVATED FLASHING LIGHT CROSSWALK
Palo Alto, Califonia



ATTACHMENT E
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Learn More
- Benefits
- VTA Services
- Ongoing Support
- Pricing
- Frequently Asked Questions
- Participants
- Start Your Eco Pass Program Today
- 511 Take Transit SM Trip Planner
- Eco Pass

residential
ec pass

1 FREE ECOPASS PROVIDED to EACH UNIT for FIRST YEAR

Benefits

Eco Pass helps create a sense of community and delivers valuable benefits that can make a difference when renters and buyers are looking for a place to call home.

Health

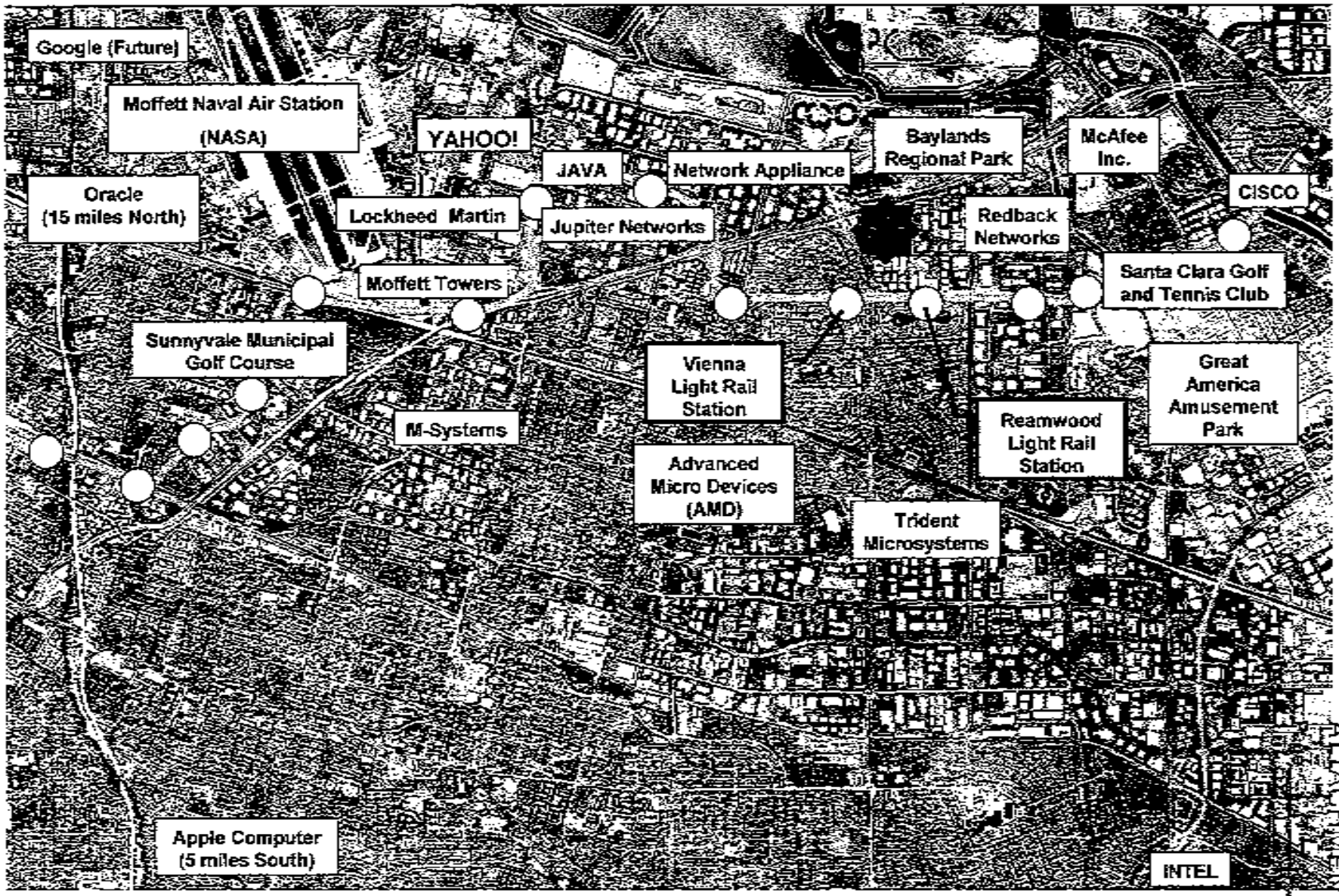
Residents can also feel secure with 24-hour patrols by VTA peace officers and deputy sheriffs at stations and onboard bus and light rail. They'll also likely to be safer zipping along on light rail rather than creeping down the freeway. Less cars on the road mean less pollution which promotes better health.

Wealth

Fewer miles driven also extends the life of your car as well as lower maintenance, fuel and parking costs, and possibly, insurance rates.

Happiness

Nothing can be more valuable than peace of mind. Eco Pass offers residents the reliability to get where they need to go when they want to get there. It means freedom from problems such as traffic and parking and provides access for people with disabilities.



REGIONAL EMPLOYERS, LIGTH RAIL STATIONS and RECREATION

ATTACHMENT 2
14

Lawrence Station

Sunnyvale, CA

for

Trumark Companies

Schematic Design

Sheet Index

Cover Sheet
- Existing Survey
1 Site Plan
2 2nd Floor Plan
3 3rd Floor Plan
4 4th Floor Plan
5 5th Floor Plan
6 6th Floor Plan
7 Typical Unit Plans
8 Live / Work Unit Plans
9 Building Sections
9a Open Space Diagram
10 Exterior Elevation
11 Exterior Elevation
12 Exterior Elevation
13 Exterior Elevation
14 Exterior Elevation
15 Exterior Elevation

L1.1 Landscape Backgrounds Plan
L2.1 Landscape Imagery
L2.2 Landscape Imagery

Trumark Companies

BKF

THE GUZZARDO PARTNERSHIP INC.

RES. DENTIAL, INC

August 14, 2006

Project Description

Existing Zoning:	MS (Industrial Service)
Proposed Zoning:	Proposed Community District
Site Area:	5.62 Acres (244,823 SF)
Construction:	Type V

Project Summary

UNIT SQ. FT.

	RES.	LIVE / WORK	RETAIL
Shared		13,588 SF	18,500 SF
1st	17	—	—
2nd	33		
3rd	33		
4th	33		
5th	15		
6th	15		
Total	162 units @ 635 SF/Unit = 102,451 SF	13,588 SF	18,500 SF

LANDSCAPED OPEN SPACE

Required:
200 SF/Unit x 162 units = 128,447 SF

Provided: 128,140 SF

PARKING

Required: 487

Provided: 487

BICYCLE

Required:
Residential: Class 1 - 1 per 2 Units
Class 2 - 1 per 15 Units
Commercial: Class 1 - 1 per 30 Employees
Class 2 - 5 + per 6,000 SF

Provided:
Residential: Class 1 - 115
Class 2 - 24
Commercial: Class 1 - 15
Class 2 - 15

SCOOTER

Required: 300 Cu. Ft.

Provided: 300 Cu. Ft.

ATTACHMENT 7

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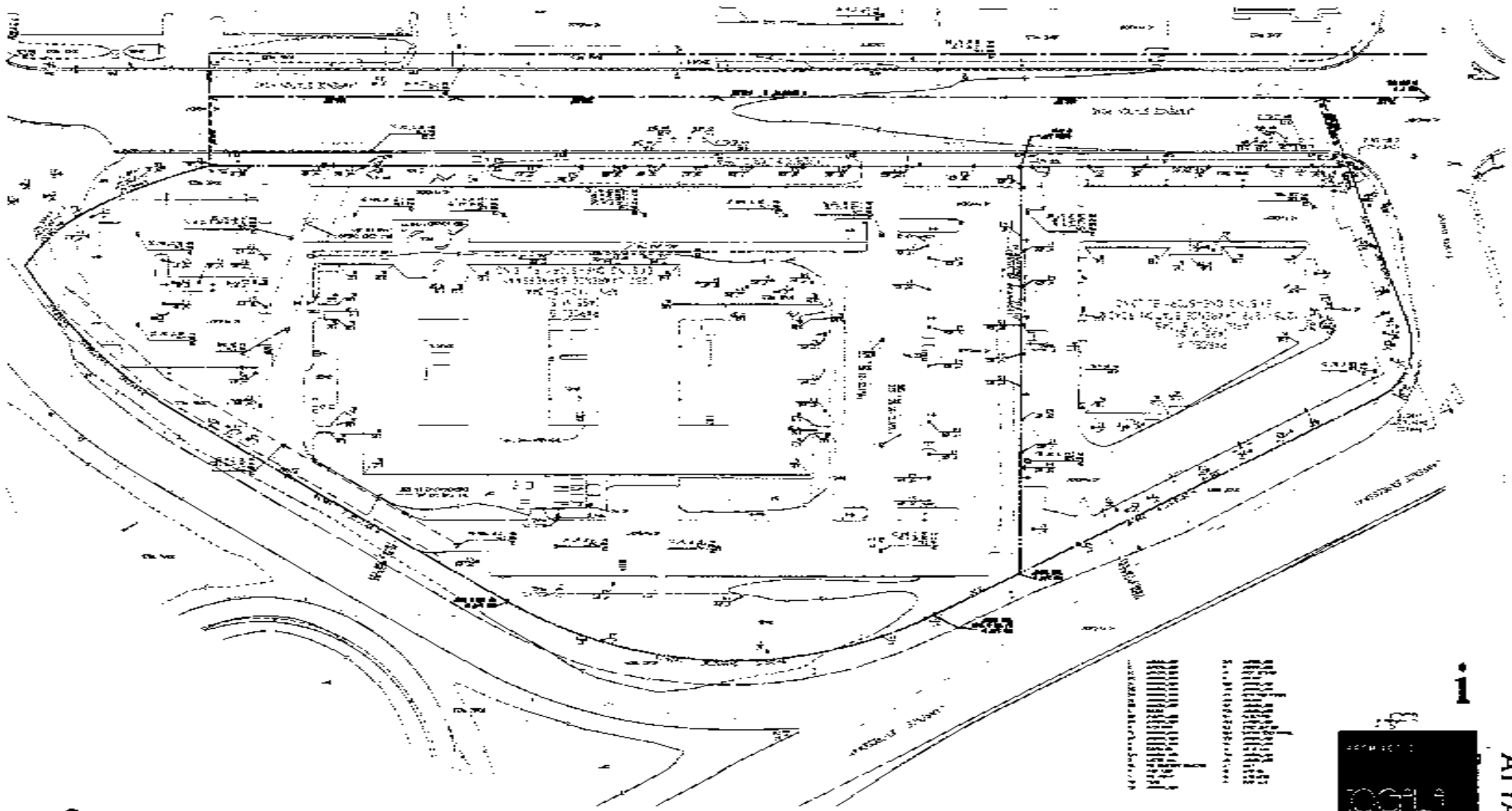

Survey

Lawrence Station

Sunnyvale, California

TRUMARK COMPANIES

April 26, 2007

ATTACHMENT E
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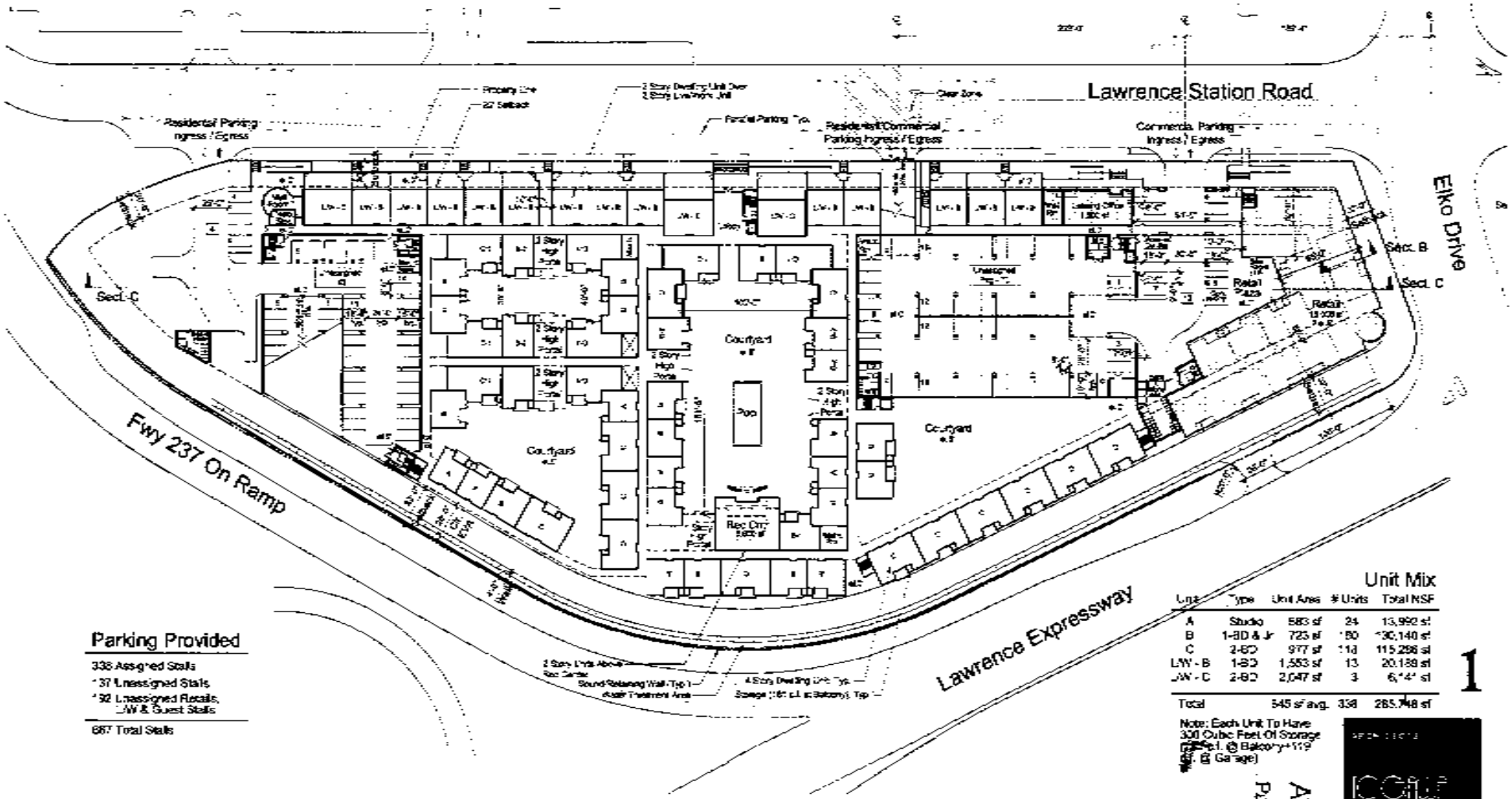

Parking Provided

338 Assigned Stalls
137 Unassigned Stalls
192 Unassigned Retails, LW & Guest Stalls

667 Total Stalls

Unit Mix

Unit	Type	Unit Area	# Units	Total NSF
A	Studio	583 sf	24	13,992 sf
B	1-BD & Jr	725 sf	180	130,140 sf
C	2-BD	977 sf	118	115,286 sf
LW - B	1-BD	1,553 sf	13	20,189 sf
LW - C	2-BD	2,047 sf	3	6,141 sf
Total		545 sf avg.	338	285,748 sf

Note: Each Unit To Have 300 Cubic Feet Of Storage (Inside Unit, @ Balcony + 119 Cu. Ft. @ Garage)

1

Site / 1st Floor Plan
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

ICON GROUP SMITH TERRY
RESIDENTIAL, INC.

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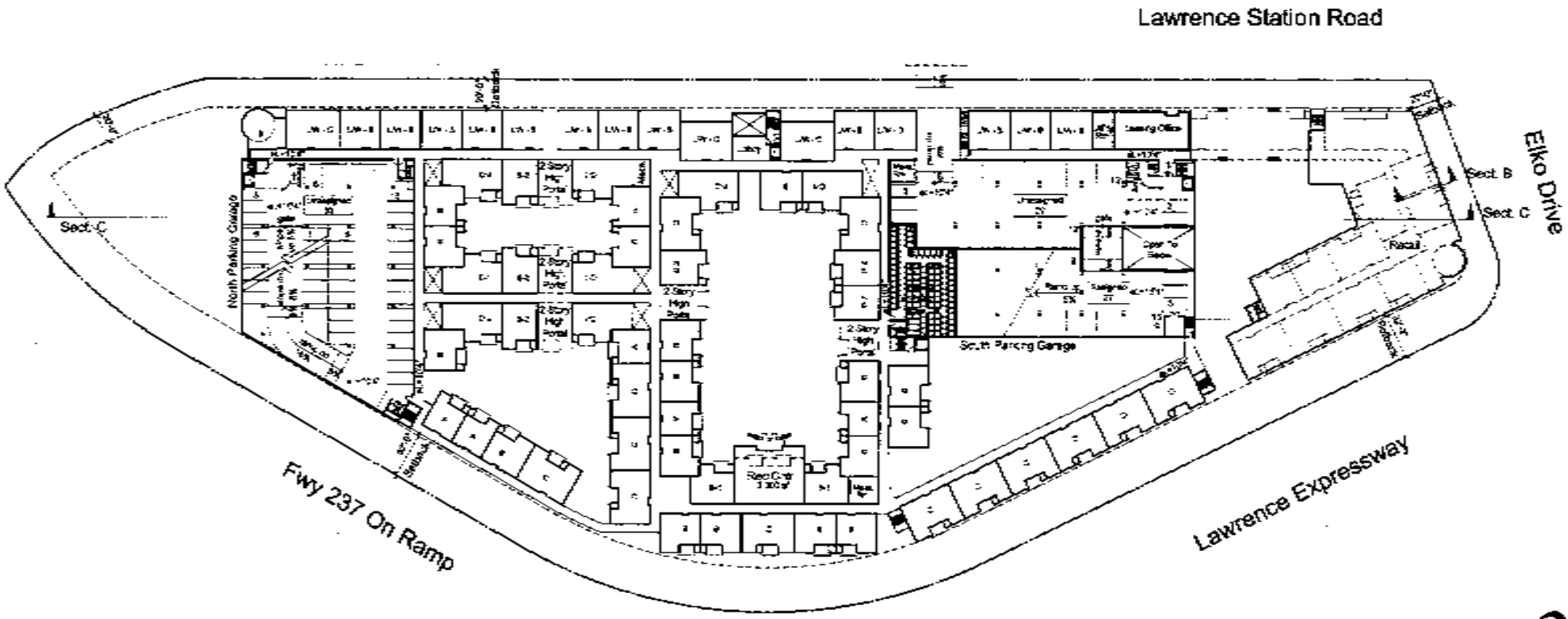
August 11, 2009



2

2nd Floor Plan
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

ATTACHMENT E
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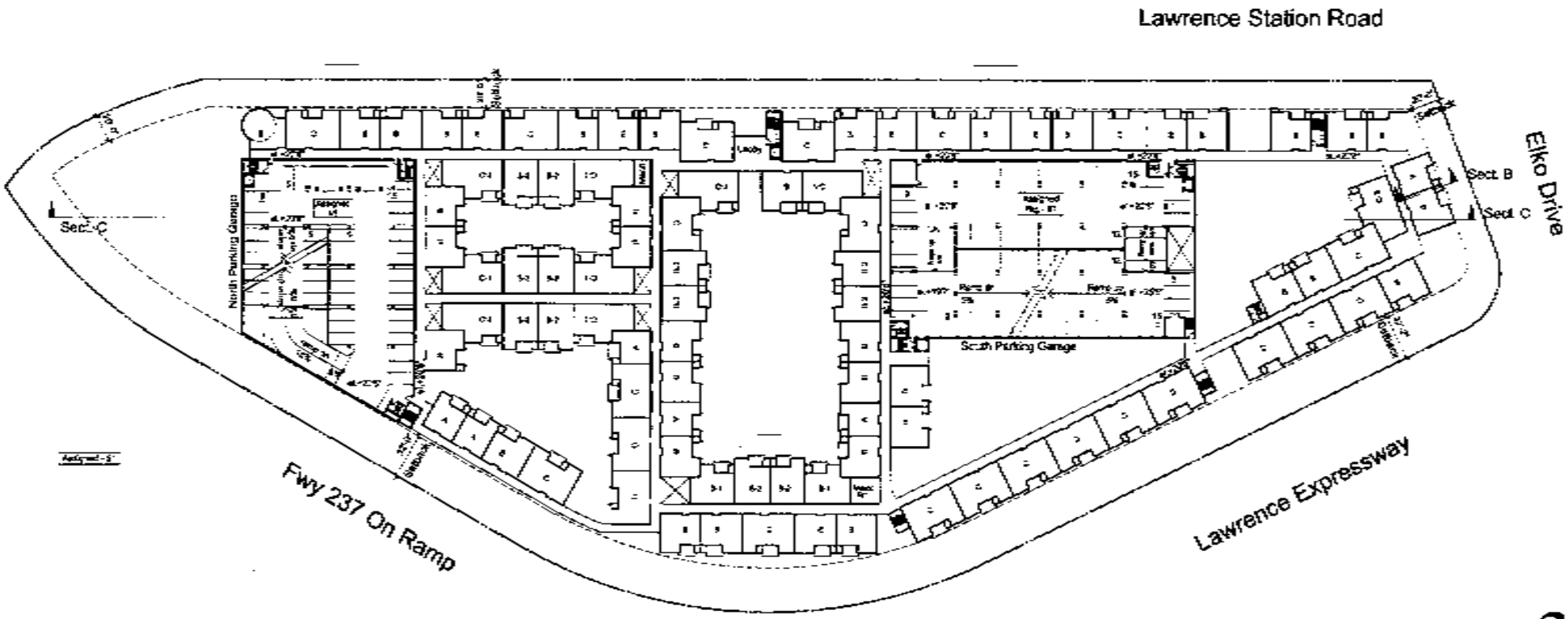
August 2006

RESIDENTIAL, INC



3

3rd Floor Plan

Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

ATTACHMENT F
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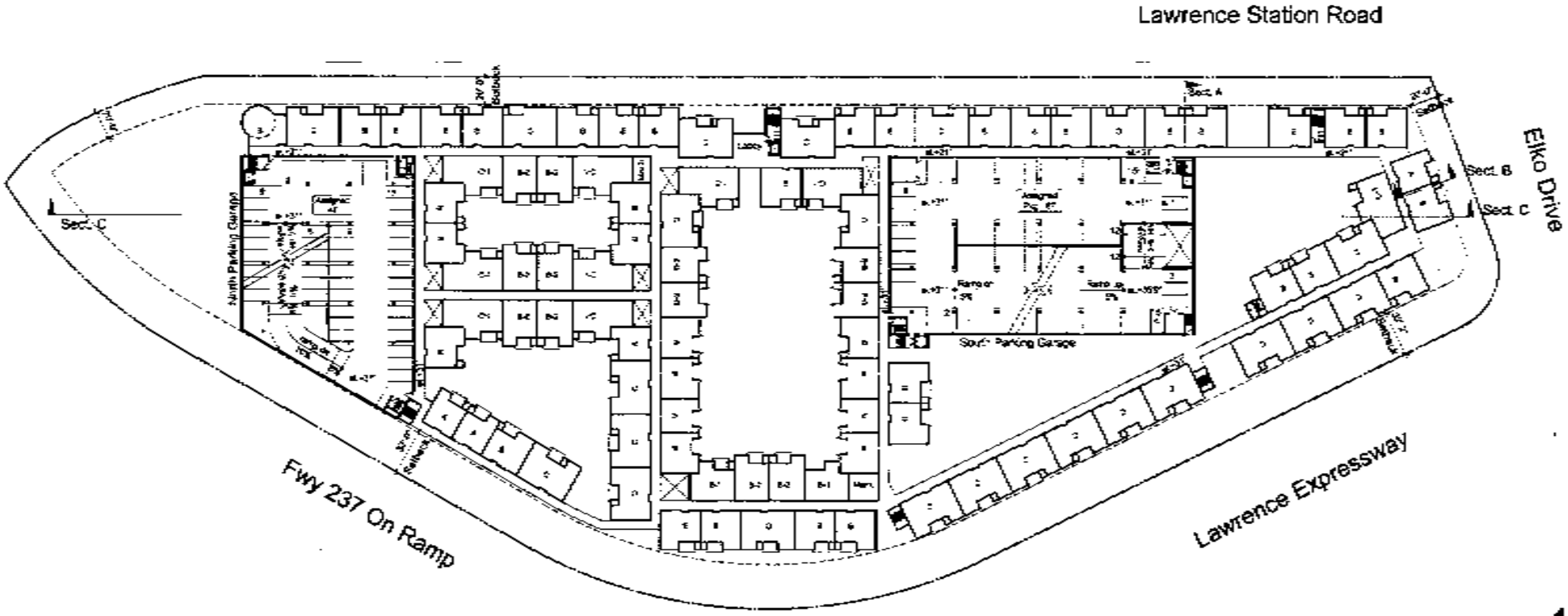
RESIDENTIAL, INC



4

4th Floor Plan

Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

ATTACHMENT
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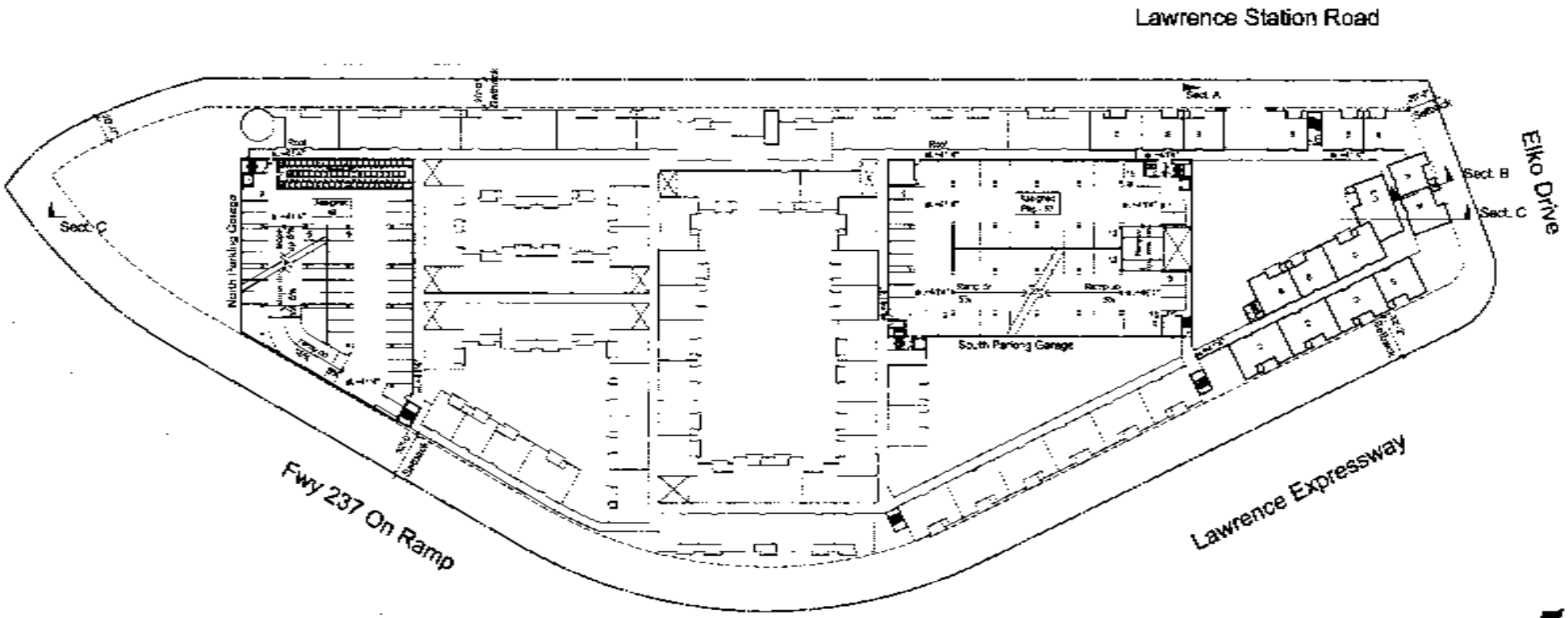
August 27, 2008



5

5th Floor

Lawrence Station

Sunnyvale, California

TRUMARK COMPANIES

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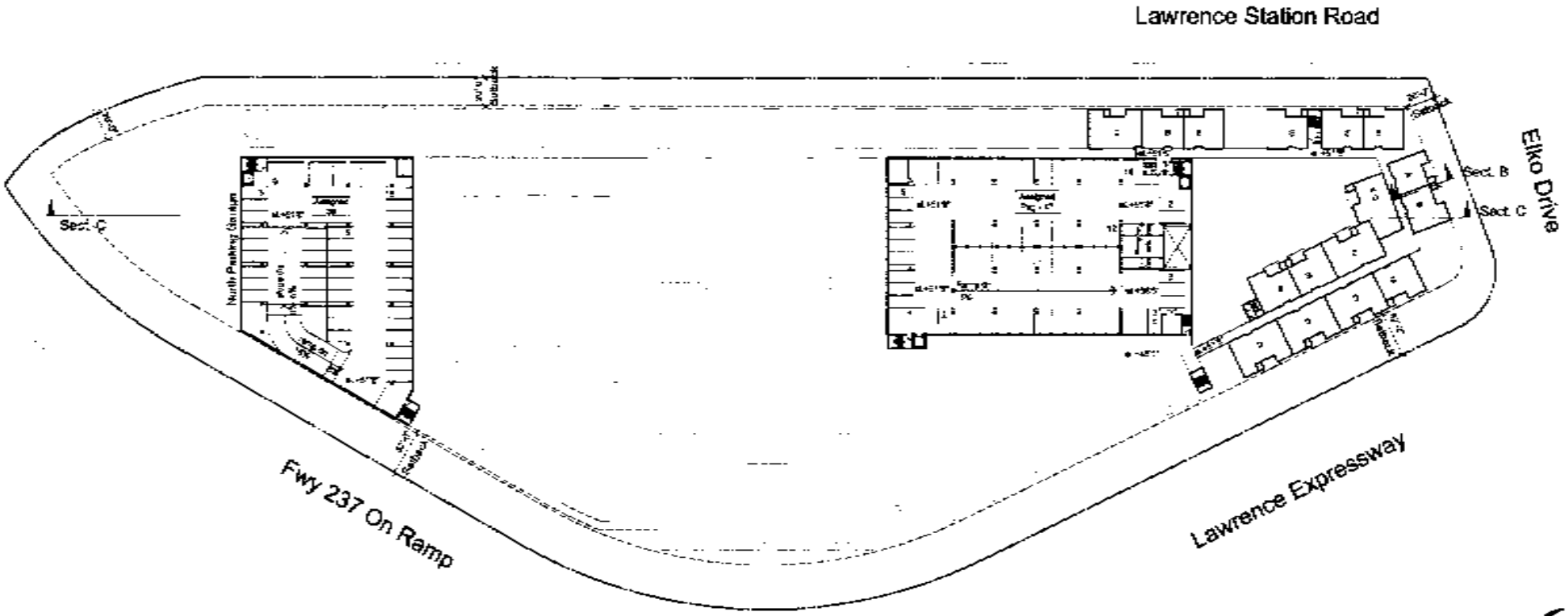
Aug. 2008

RESIDENTIAL, INC



6

6th Floor

Lawrence Station

Sunnyvale, California

TRUMARK COMPANIES

ATTACHMENT 1E
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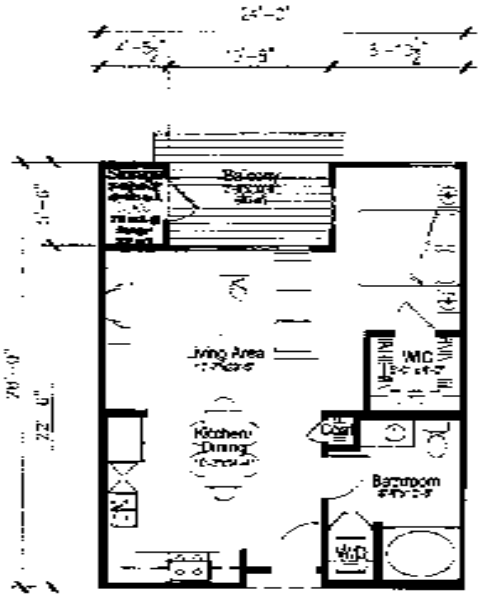
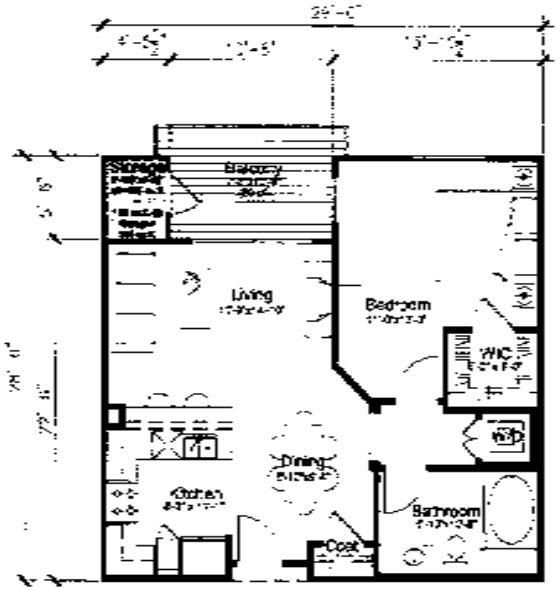
August 14,

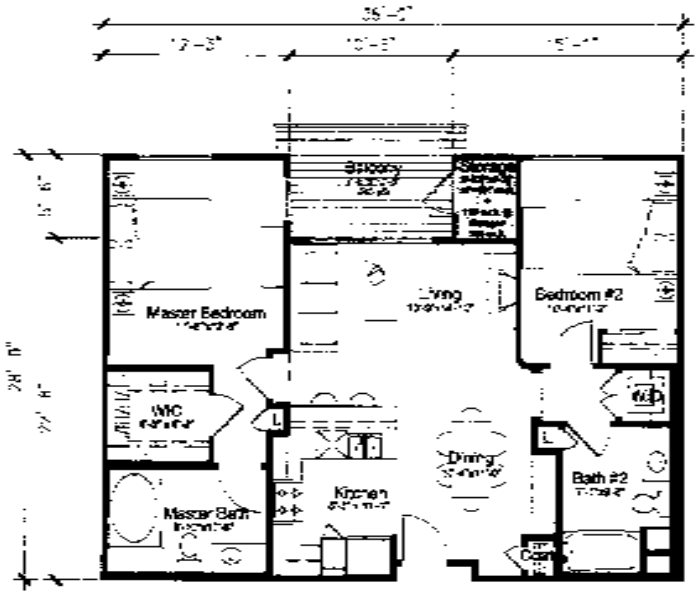
RESIDENTIAL, INC



Unit A (24 units) 583 nsf
Studio



Unit B (180 units) 723 nsf
1 bed / 1 bath & Jr



Unit C (118 units) 977 nsf
2 bed / 2 bath

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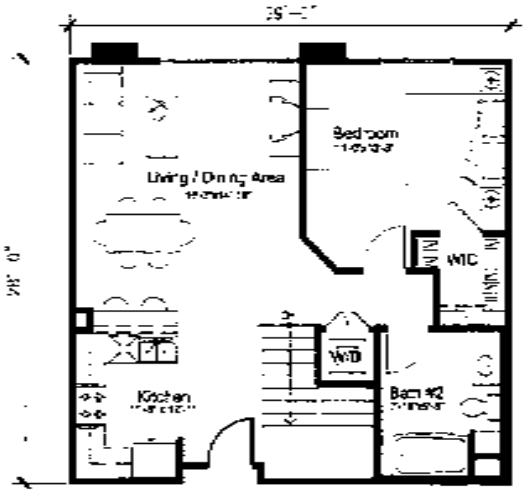
Aug 14, 2008

Typical Unit Plans

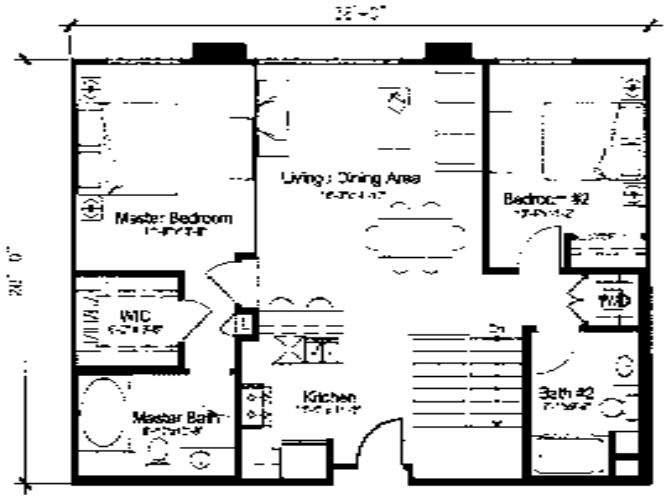
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES



Live / Work Unit - B 746 nsf

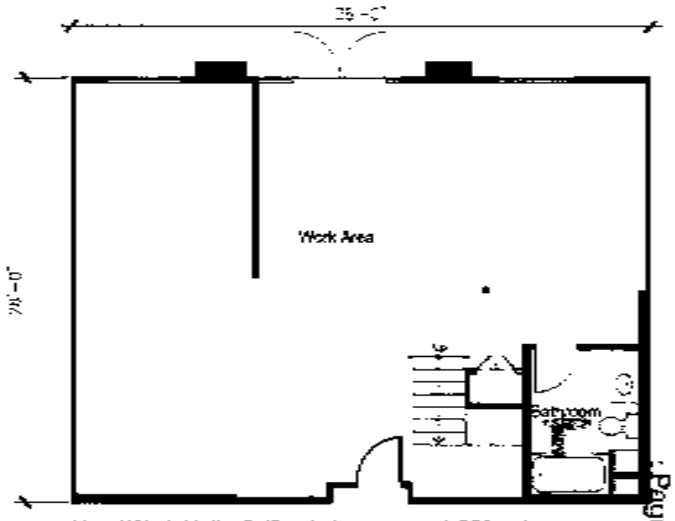
1 bed / 1 bath & Jr



Live / Work Unit - C 986 nsf

2 bed / 2 bath

Live / Work Unit - B (13 units) 807 nsf



Live / Work Unit - C (3 units) 1,059 nsf

Live / Work Unit Plans
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

ATTACHMENT F
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August 2008

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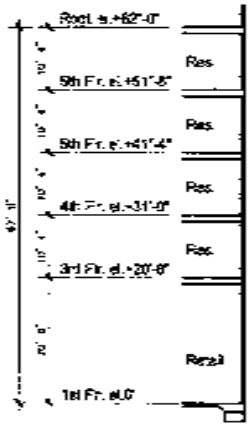
RESIDENTIAL INC



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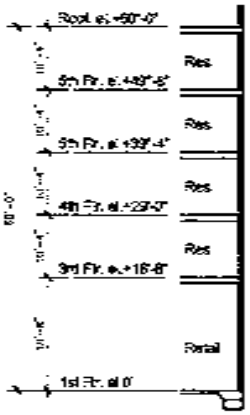

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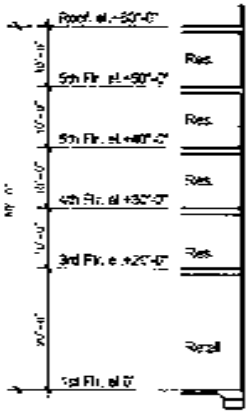

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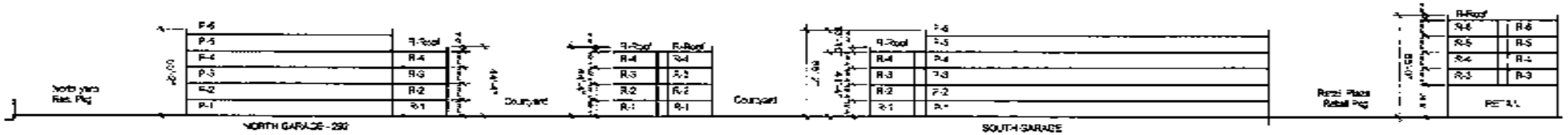

Section CC

9

Building Sections

Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

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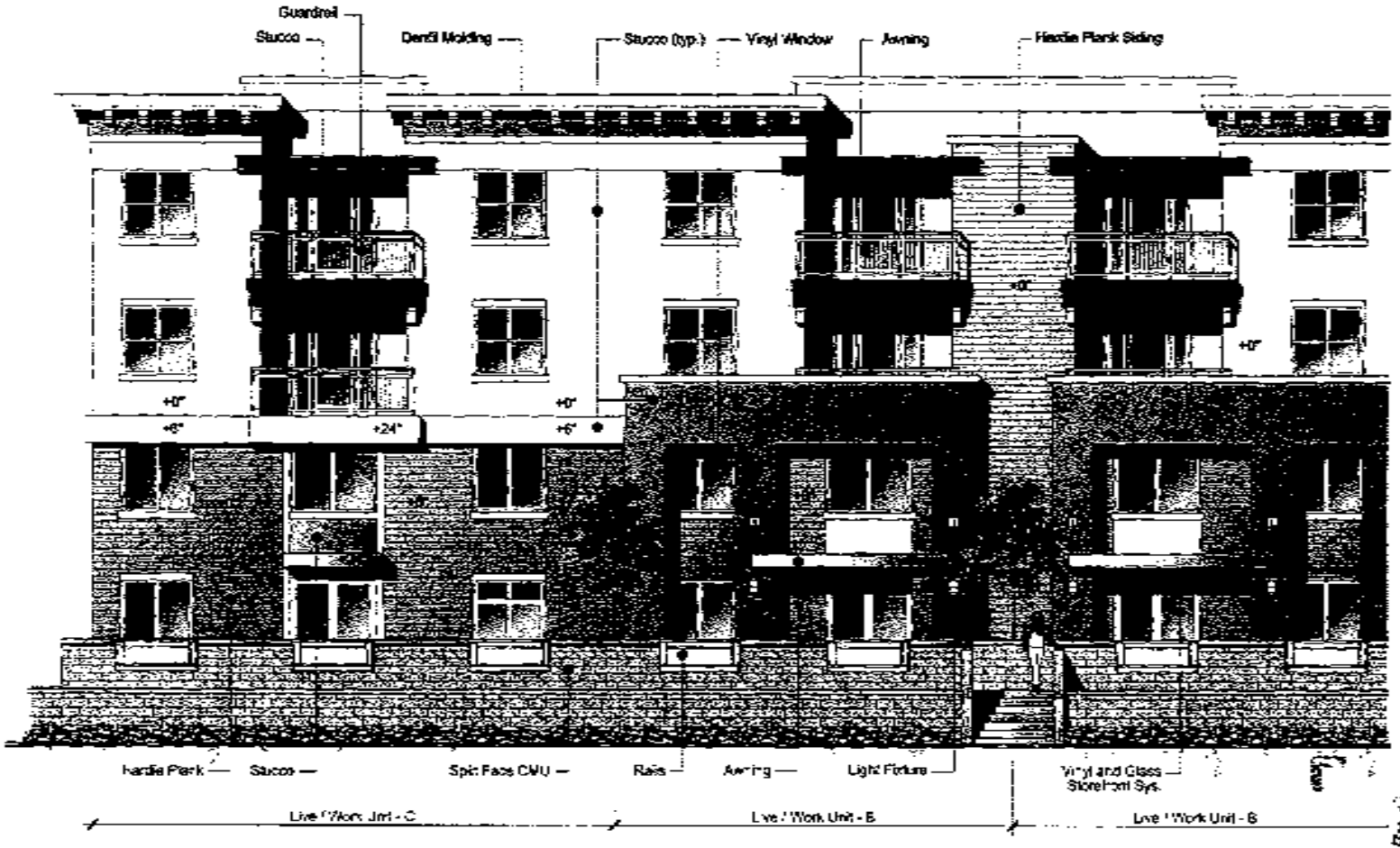
LOCAL SMITH MARIN
RESIDENTIAL, INC



Partial Residential Over Live/Work Elevation - A (from Lawrence Station Rd)

Exterior Elevation
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

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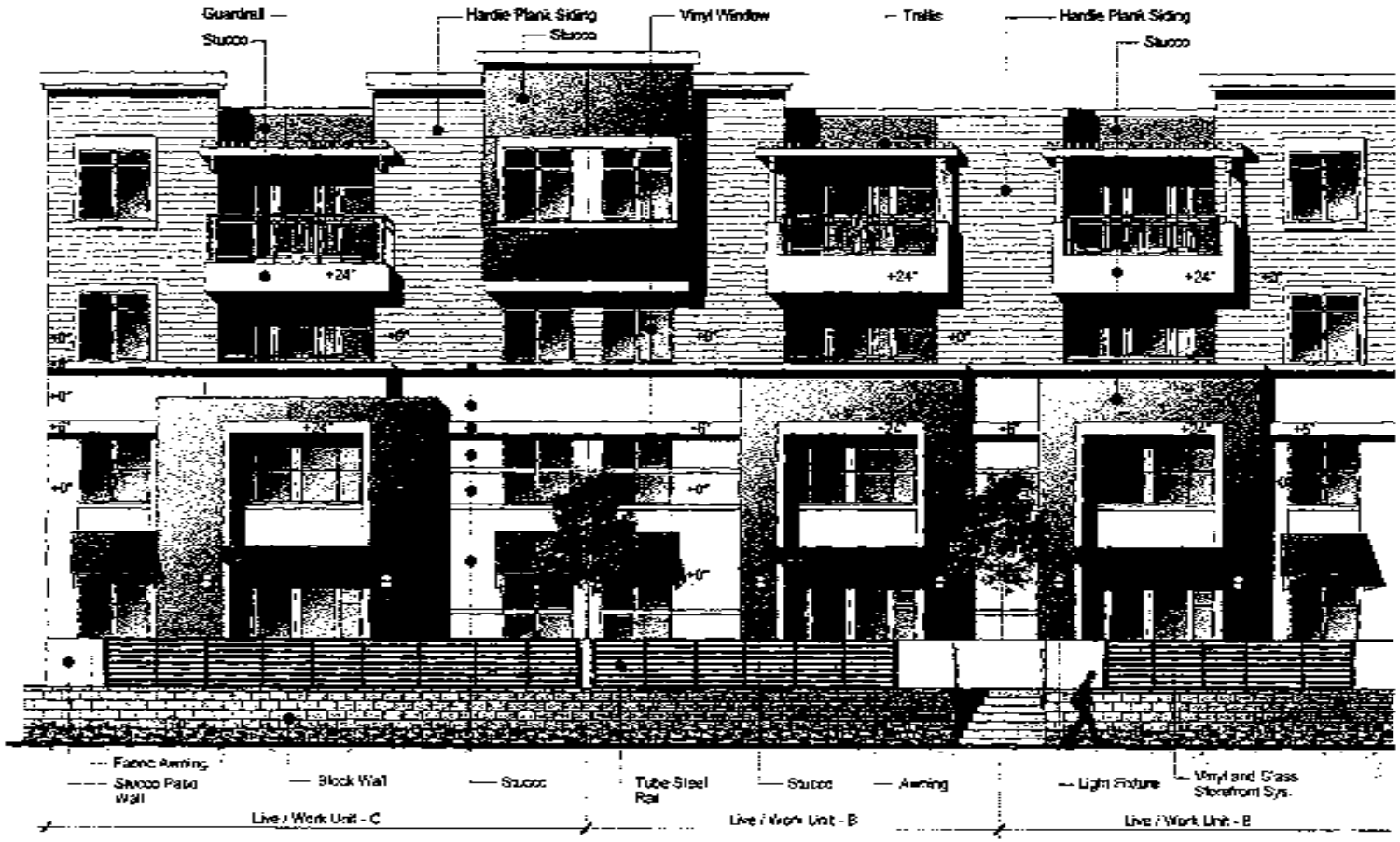
RESIDENTIAL, INC



Partial Residential Over Live/Work Elevation - B (from Lawrence Station Rd)

Exterior Elevation
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

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August 2008

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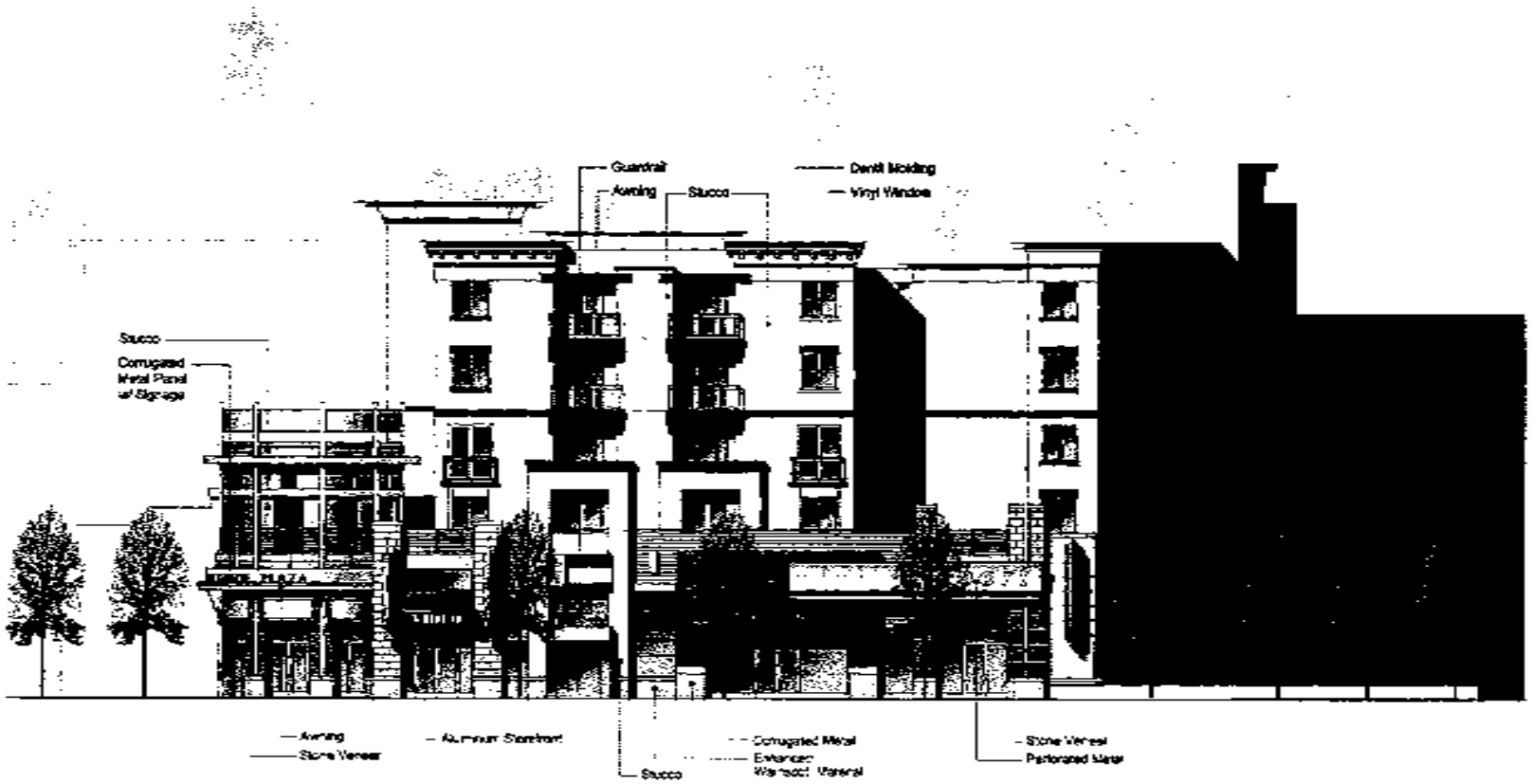
RESIDENTIAL, INC



Partial Retail Elevation (from Elko Drive)

12

ATTACHMENT E
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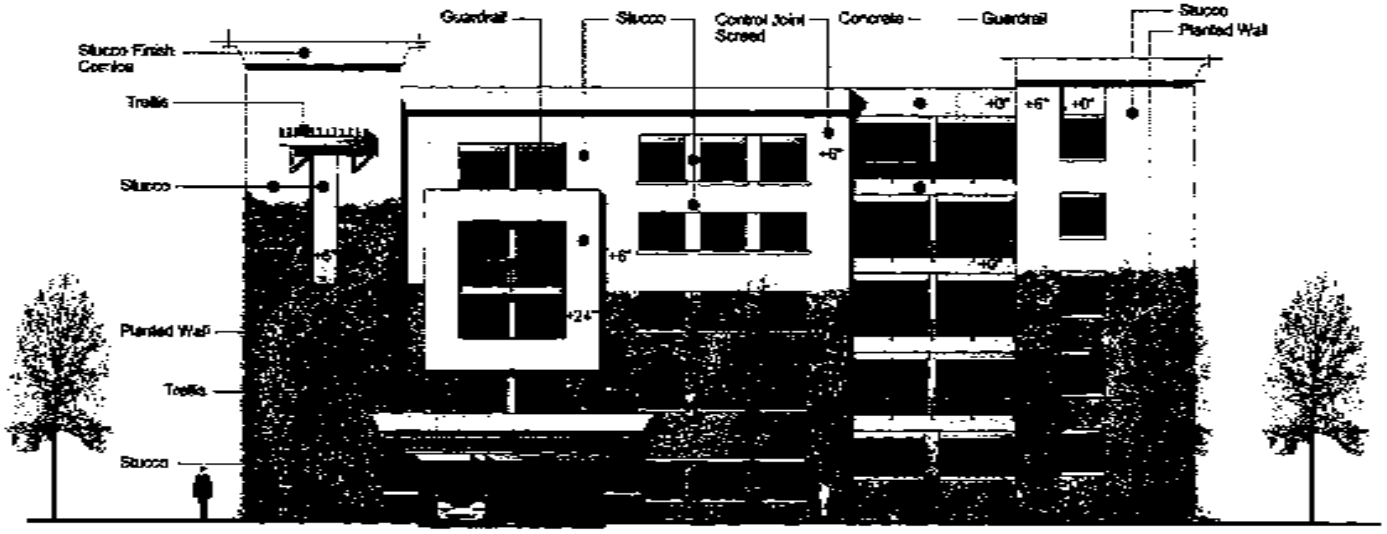
RESIDENTIAL, INC

Exterior Elevation
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES



North Garage Elevation (from Fwy 237 On Ramp)

13

Exterior Elevation
Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

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August 21, 2008

RESIDENTIAL, INC

Lawrence Station Road Exterior Elevation

Lawrence Station

Sunnyvale, California

TRUMARK COMPANIES

15

Lawrence Expressway / Fwy 237 On Ramp Exterior Elevation
Lawrence Station
Sunnyvale, California

TRAMMELL CROW COMPANIES

ATTACHMENT F
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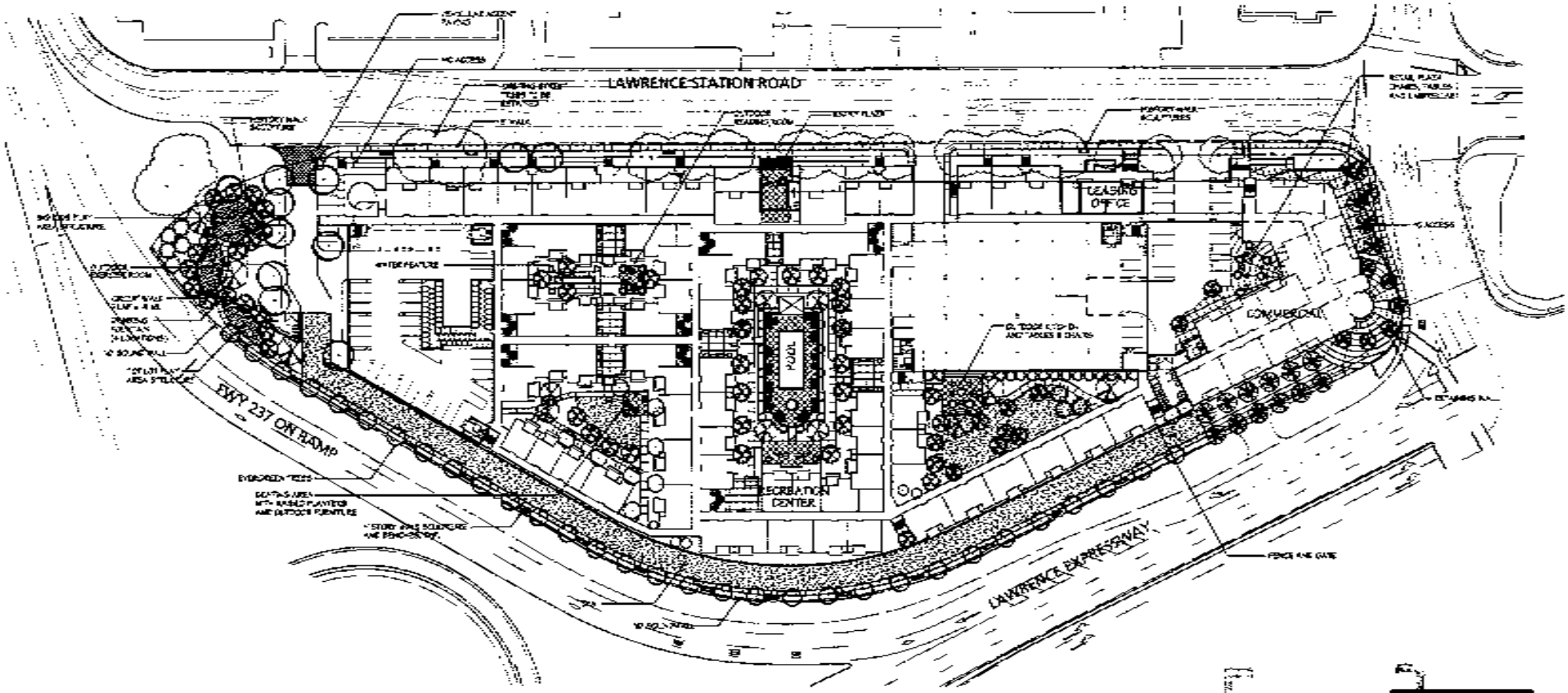

Lawrence Station

Sunnyvale, California

TRUMARK COMPANIES

THE GUZZARDO PARTNERSHIP INC.
Landscape Architects · Land Planners
536 Montgomery Street
San Francisco, CA 94111
T 415 433 4672
F 415 433 5025

ATTACHMENT 1
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August 15, 2008

PODIUM CHARACTER

PLAZA CHARACTER

2.1 Landscape Imagery

Lawrence Station
Sunnyvale, California

TRUMARK COMPANIES

THE GUZZARDO PARTNERSHIP INC.
Landscape Architects · Land Planners
891 Montgomery Street
San Francisco, CA 94133
T 415 433 6672
F 415 433 5083

0 35 70 140 ft

April 26, 2007

ARCHITECTS
OGILVY
SMITH
MERRILL
ATTACHMENT E
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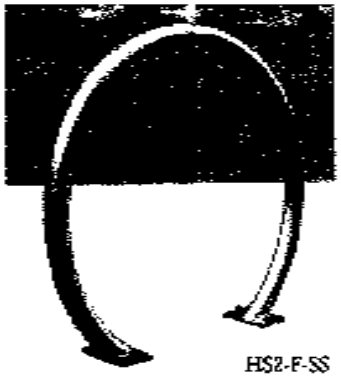
FAN PALM GROUPING

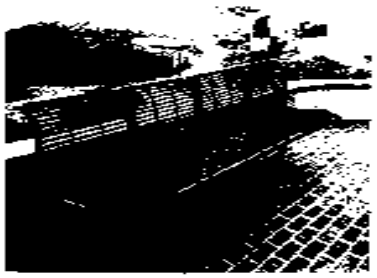
EXISTING LAWRENCE STN. RD STREET TREES

UPRIGHT FLOWERING PEARS



LOOP BIKE RACK

PLAZA FOUNTAIN



PRESIDIO SERIES SITE FURNITURE

SPECTRA SERIES POLE AND BOLLARD LIGHTS

THE GUZZARDO PARTNERSHIP INC.
Landscape Architects · Land Planners

ARCHITECTS
COGHLAN SMITH CORTON

ATTACHMENT F
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April 26, 2007

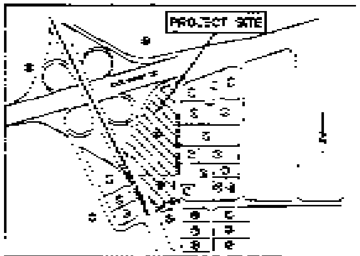
2.2 Landscape Imagery

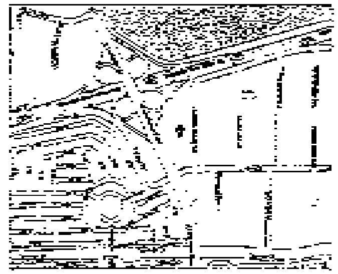
Lawrence Station

Sunnyvale, California

TRUMARK COMPANIES

VESTING TENTATIVE MAP
FOR CONDOMINIUM PURPOSES





VICINITY MAP

LANDOWNERS ADJACENT TO THE PROJECT & ACCESSORS No.

ABBREVIATIONS

LEGEND

TABLE OF CONTENTS

NOTES:

BASIS OF BEARINGS

BENCHMARK

ASSESSOR'S PARCEL NUMBERS

PROPOSED AREAS: TOTAL AREA:

ENGINEER: OWNERS:

SUBDIVIDER:

PROPERTY ADDRESS:

EXISTING USE: PROPOSED USE:

EXISTING ZONING: PROPOSED ZONING:

LEGAL DESCRIPTION:

UTILITIES:

VESTING TENTATIVE MAP
1277-1287 LAWRENCE STATION ROAD
MAP DATA, NOTES, LEGEND & ABBREVIATIONS
CITY OF SUNNYVALE SANTA CLARA COUNTY CALIFORNIA

ATTACHMENT

VESTING TENTATIVE MAP
1277-1287 LAWRENCE STATION ROAD
EXISTING CONDITIONS
BKF
TM-2
ATTACHMENT 2
Page 22

LAWRENCE STATION ROAD (187 R/W)
STATE HIGHWAY 120
BKF
VESTING TENTATIVE MAP
1277-1287 LAWRENCE STATION ROAD
PROPOSED CONFIGURATION AND EASEMENTS
ATTACHMENT 3
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LAWRENCE STATION ROAD
LAWRENCE EXPRESSWAY
BKF
VESTING TENTATIVE MAP
1277-1287 LAWRENCE STATION ROAD
PROPOSED SITE GRADING PLAN
CITY OF SUNNYVALE
SANTA CLARA COUNTY
ATTACHMENT 2
TM

LAWRENCE STATION ROAD
LAWRENCE EXPRESSWAY
BKF
VESTING TENTATIVE MAP
1277-1287 LAWRENCE STATION ROAD
PROPOSED UTILITIES
CITY OF SUNNYVALE
SANTA CLARA COUNTY
ATTACHMENT
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ATTACHMENT F
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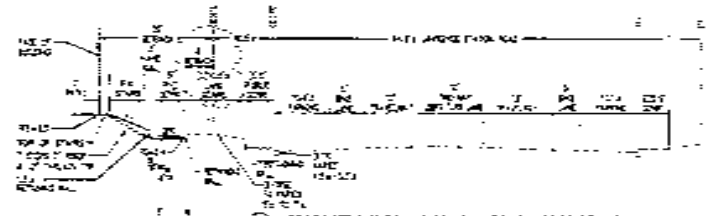
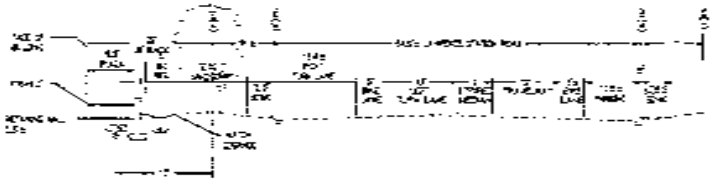


PROPOSED LAWRENCE STATION ROAD CROSS SECTION

PROPOSED LOBBY CROSS SECTION



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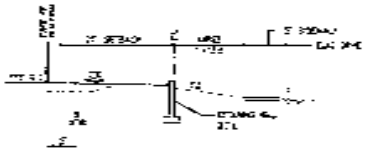
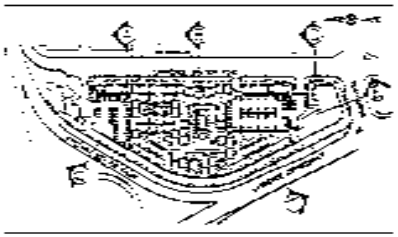
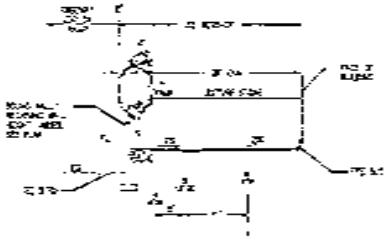


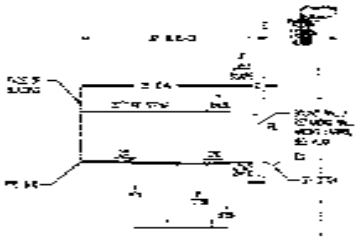
ELCO DRIVE CROSS SECTION



LOCATION OF CROSS SECTIONS
N.T.S.



237 ON RAMP TYPICAL CROSS SECTION



237 OH RAMP TYPICAL CROSS SECTION

BKF

VESTING TENTATIVE MAP
1277-1287 LAWRENCE STATION ROAD
TYPICAL STREET CROSS-SECTIONS
CITY OF SUNNYVALE SANTA CLARA COUNTY CALIFORNIA

TM-7
7 of 7

ATTACHMENT E
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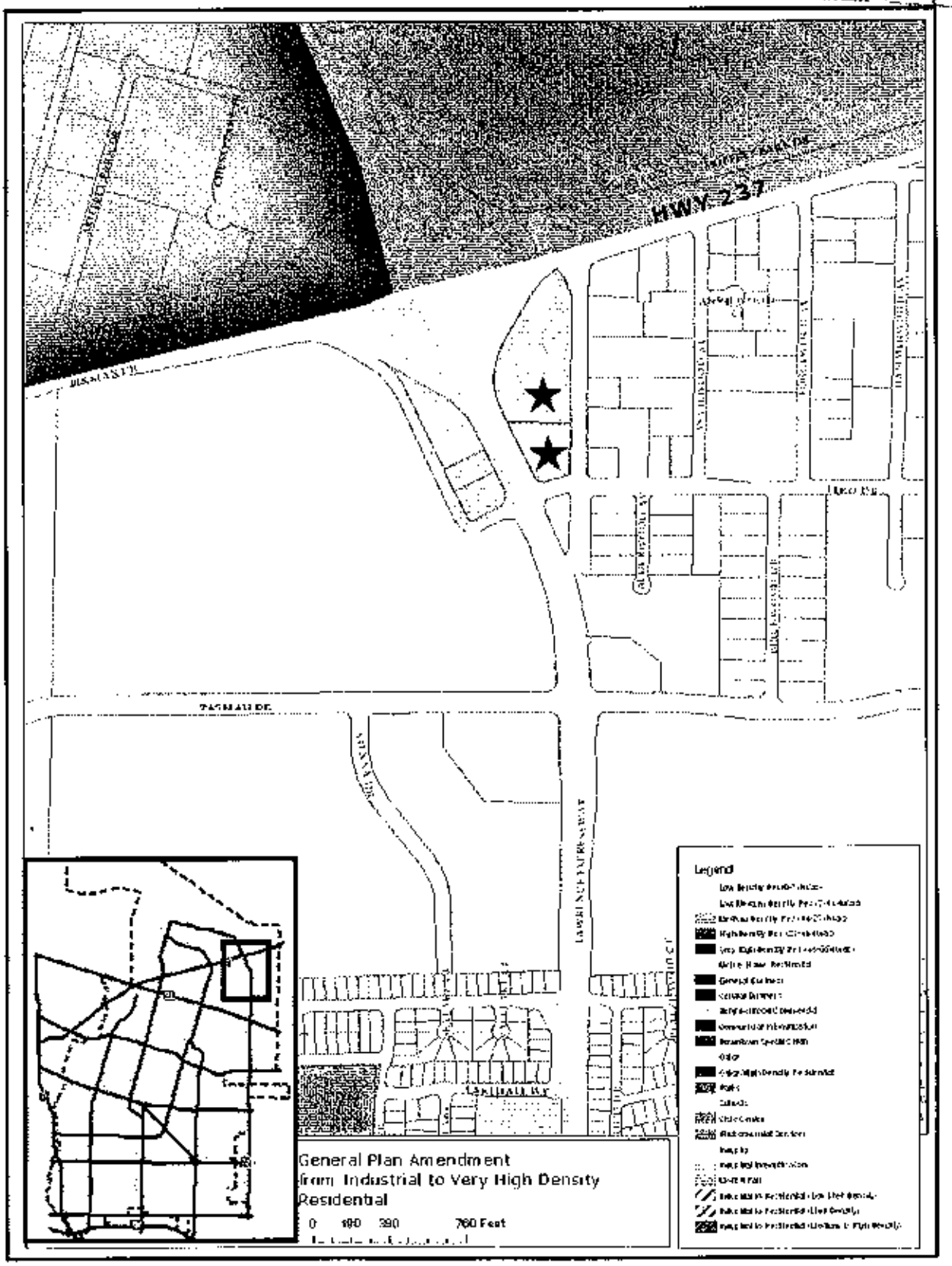
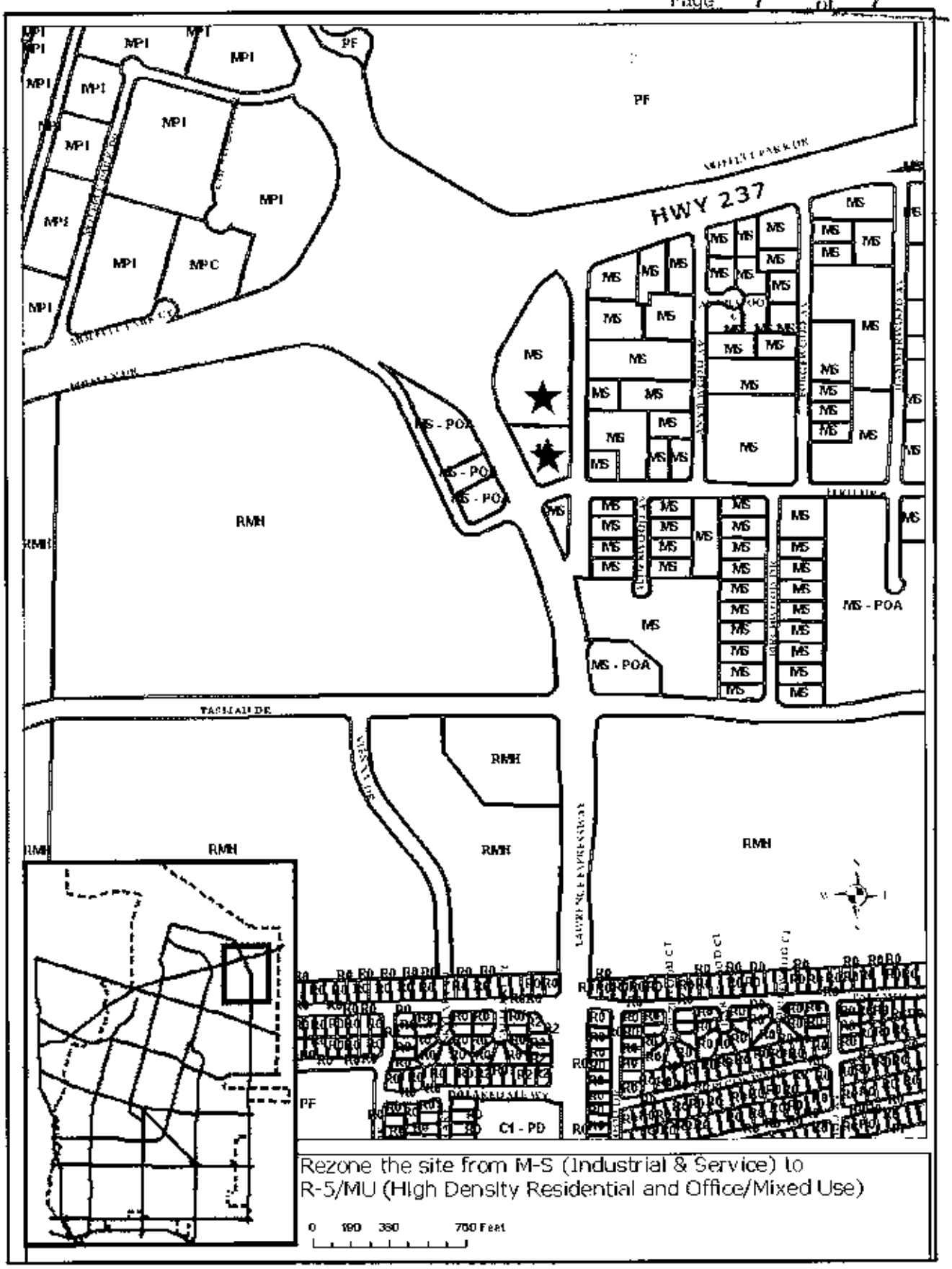

HWY 237
Legend
General Plan Amendment
from Industrial to Very High Density
Residential
0 180 390 780 Feet


HWY 237
MPI
MPC
PF
MS
MS - POA
RMH
C1 - PD
Rezone the site from M-S (Industrial & Service) to
R-5/MU (High Density Residential and Office/Mixed Use)
0 190 380 760 Feet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION FROM "INDUSTRIAL" TO "VERY HIGH DENSITY RESIDENTIAL"

WHEREAS, Trumark Companies has requested a General Plan Amendment for a project site comprised of two parcels with a combined total area of 6.63 acres located at 1275 and 1287 Lawrence Station Road, Sunnyvale, California to change the land use designation from "Industrial" to "Very High Density Residential" and

WHEREAS, an analysis of the environmental effect of approval of this Plan Amendment was conducted, and an Environmental Impact Report and Statement of Overriding Consideration have been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and City Council Resolution No. _____; and

WHEREAS, a draft and final Environmental Impact Report was prepared to assess the potential environmental impacts of the General Plan Amendment, described alternatives to the proposal and potential mitigation measures. On November 18, 2008, after a public hearing duly held, the City Council reviewed the documents comprising the EIR and found that the 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 Amendment. The City Council certified the EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"), made necessary findings and adopted the mitigation and monitoring program (Resolution No. _____). The potential environmental impacts of the proposed rezoning were considered within the scope of the EIR; accordingly, an addendum to the EIR has been prepared pursuant to CEQA guideline section 15164 to aid in its review; and

WHEREAS, the Planning Commission considered the proposed amendments at a duly noticed hearing held on October 13, 2008, and has recommended approval of the amendments to the General Plan; and

WHEREAS, the City Council held a public hearing on November 18, 2008, and 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 it hereby adopts the following findings and actions:

1. The City Council finds and determines that the General Plan Amendment conforms with the requirements provided for in the Sunnyvale Municipal Code, that it is a suitable and logical change of the General Plan for the development of the City of Sunnyvale, and that it is in the public interest.

2. The City Council finds and determines that the proposed changes to the General Plan to change the land use designation from Industrial to Very High Density Residential with appropriate General Plan residential densities and related zoning designations is in the interest of

the public as adequate industrial land will be retained within the city limits to support the local economy. The legally-required environmental review has been conducted.

3. The revised General Plan Amendment, as adopted, a copy of which is on file in the Office of the City Clerk of the City of Sunnyvale, is hereby incorporated into the 1972 General Plan of the City of Sunnyvale.

4. The Mayor and City Clerk are directed to endorse the amendment to the 1972 General Plan of the City of Sunnyvale and to show that the same has been adopted by the City Council.

5. The City Clerk is directed to file a certified copy of the amendment to the 1972 General Plan of the City of Sunnyvale with the Board of Supervisors and the Planning Commission of the County of Santa Clara and the planning agency of each city within the County of Santa Clara. The City Clerk is directed further to file a certified copy of the amendment with the legislative body of each city, the land of which may be included in said plan.

Adopted by the City Council at a regular meeting held on November 18, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor
(SEAL)

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY LOCATED AT 1275 and 1287 LAWRENCE STATION ROAD FROM M-S (INDUSTRIAL AND SERVICE) TO R-5/MU (HIGH DENSITY RESIDENTIAL AND OFFICE/MIXED USE COMBINING DISTRICT) ZONING DISTRICT

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

SECTION 1. AMENDMENT OF ZONING PLAN. The Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties within the R-5/MU (HIGH DENSITY RESIDENTIAL AND OFFICE/MIXED USE COMBINING DISTRICT) ZONING DISTRICT which properties are presently zoned M-S (INDUSTRIAL AND SERVICE) ZONING DISTRICT. The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA- These amendments to the General Plan are subject to a resolution of findings based on the Environmental Impact Report. As part of the process of amending the General Plan, the City has analyzed the environmental effects of this ordinance, certified an Environmental Impact Report and adopted A Statement of Overriding Considerations and made necessary findings as required by the California Environmental Quality Act (Public Res. Code §§ 21000 et seq.; "CEQA"). The City finds that the adoption of this ordinance is within the scope of the program EIR and no new environmental documentation is required.

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 November 18, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November __, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

_____
City Clerk
Date of Attestation:_____
SEAL

_____
Mayor

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE MAKING A STATEMENTS OF OVERRIDING CONSIDERATION FOR THE TRUMARK DEVELOPMENT PROJECT IN THE CITY OF SUNNYVALE

WHEREAS, the Luminaire/Lawrence Station Road Project ("Project") requires the City of Sunnyvale ("City") to approve an amendment to the City of Sunnyvale General Plan and Zoning Ordinance (file no. _____, SCH no. 2007042068); and

WHEREAS, the project analyzed under the FEIR consisted of: 1) developing a new *Mixed Use* (MU) *Combining District* zoning designation for the City; 2) amending the General Plan Land use designation on an approximately 6.91-acre site from *Industrial* to *Very High Density Residential* (45-60 dwelling units per acre), which includes a new General Plan policy statement limiting the use of the northern 0.28 acres of the project site near State Route (SR) 237 to open space only (i.e., the northern 0.28 acres of the project site cannot be utilized to increase the maximum allowable number of dwelling units or commercial development); and 3) rezoning the project site from *Industrial and Service* (M-S) to *High Density Residential and Office with a Mixed Use Combining District* (R-5/MU); and

WHEREAS, the City Council of the City of Sunnyvale is the decision-making body for the Luminaire/Lawrence Station Road Project; and

WHEREAS, the City Council of the City of Sunnyvale approved not only the creation of the *Mixed Use* (MU) *Combining District* zoning designation as a new zoning tool within the City of Sunnyvale, but also wishes to approve actions related to the development Project "APPROVAL OF THE PROPOSED LUMINAIRE/LAWRENCE STATION ROAD PROJECT"; and

WHEREAS, CEQA requires that in connection with the approval of a development project for which a FEIR has been prepared which identifies one or more significant environmental effects, the decision-making body of a responsible agency must first make certain findings regarding those significant effects on the environment identified in the FEIR, and where the FEIR identifies one of more significant, unavoidable environmental effects then the decision-making body of a responsible must first balance economic, legal, social technological, or other benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the development project and make findings of overriding consideration.

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

The City Council of the City of Sunnyvale adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

SECTION 1. <u>Significant Unavoidable Impacts</u>

With respect to findings and in recognition of those facts that are included in the record, the City has determined that the project would result in the following significant and unavoidable impacts:

- **Diesel Particulate Matter Exposure Impact** (land use compatibility and air quality impact) **–** The proposed project, with the implementation of the identified mitigation measures, would reduce impacts related to diesel particulate matter exposure, but not to a less than significant level. The project could also delay occupancy of the units where significant health risks are identified for at least five years (until approximately 2015), however, the City considers this to be difficult to enforce and implement. For these reasons, the impact is considered significant and unavoidable.

- **Cumulative Regional Air Quality Impact** – The cumulative effect of approving and implementing all of the proposed General Plan Amendments would add residential units that were not accounted for in the *Ozone Strategy*, which would result in cumulatively significant increases in traffic congestion in the area. The proposed land use amendment for the project site would contribute to this cumulatively considerable regional air quality impact.

These impacts would not be reduced to a less than significant level by feasible changes or alterations to the development Project.

SECTION 2. <u>Overriding Considerations</u>

With respect to the significant and unavoidable environmental impacts identified in Section 1 above, the Council finds that all feasible mitigation measures and alternatives have been adopted and that, pursuant to Public Resources Code section 21081(b) and Guideline 15093, there are specific overriding economic and social benefits of the following Project outweigh the significant effects on the environment. These benefits, which will accrue to the City of Sunnyvale and the general public, warrant approval of the Project notwithstanding the Project's remaining significant impacts, and include the benefits outline below in Section 3.

- General Plan Amendment to change the land use designation from Industrial to Very High Density Residential,

- Rezone the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),

- Special Development Permit to allow development of 338 condominium units and 16,000 square feet of commercial space,

- Vesting Tentative Map for condominium purposes.

SECTION 3. <u>Benefits of Project</u>

The Project described in the above section will meet the following General Plan goals:

A. <u>Housing and Community Revitalization Sub-element</u>

- Goal A: Foster the expansion of housing supply to provide greater opportunities for current and future residents within limits imposed by environmental, social, fiscal and land use constraints.
  The project will provide 338 new housing units.

- Policy B.3: Continue to permit and encourage a mix of residential and job-producing land uses, as long as there is neighborhood compatibility and no unavoidable environmental impacts.
  The project provides a mix of residential and commercial 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 will provide new housing units in an existing industrial neighborhood that does not currently have a residential identity. The project is adequately separated by a street from the existing industrial neighborhood and provides its own separate identity.

- 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 rental opportunities within a multi-family style of residential development.

- Policy D.1: Encourage innovative types of housing in existing residential zoning districts.
  The project will provide a new/innovative type of housing through the introduction of live/work units.

- Goal E: Maintain and increase housing units affordable to households of all income levels and ages.
  The proposal meets this goal with 304 market rate units and 46 new BMR rental units.

B. <u>Land Use and Transportation Element</u>

- Goal C1: Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scale developments.

  The project's architecture is a high quality design that will be distinctive.

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

  This project proposes rental housing units, not ownership units, although a map is being requested and the developer may sell ownership units at any time.

- C3.2.3: Encourage mixed use developments that provide pedestrian scale and transit oriented services and amenities. The intent is to provide opportunities for mixed use.

  The project will provide a mixed use project that is located adjacent to transit. While the project does not provide transit services it will provide an on-site kiosk for transit and ride share information.

- C4.3: Consider the needs of business as well as residents when making land use and transportation decisions.
- *As previously stated, the project is adequately separated from the adjacent industrial neighborhood by a street.*

- Policy N1.1: Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.
- Action Statement N1.1.1: Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

  The majority of the existing neighborhood is zoned Industrial and is occupied by general office or research and development uses. As previously stated, the project is adequately separated from the adjacent industrial neighborhood by a street.

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

  The project site is situated in an industrial zone on an "island" lot greater that 6 acres and has its own separate design and identity.

C. <u>Community Design Sub-element</u>

- Policy A.2: Ensure that new development is compatible with the character of special districts and residential neighborhoods.

  The project site is situated in an industrial zone on an "island" lot greater that 6 acres and has its own separate design and identity.

- 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 is creative, unique (mixed use), and will call attention to its design.

Adopted by the City Council at a regular meeting held on _____, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____

City Clerk Mayor
(SEAL)

APPROVED AS TO FORM AND LEGALITY:

_____
David Kahn, City Attorney