



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 9th, 2008

SUBJECT: **2008-0238 - Dale Meyer Associates** [Applicant] **Nikoley Richard L and Beatrice F** [Owner]: Application for related proposals for a property located at **127 W. California Avenue** (near N. Murphy Ave.) in an R-3 (Medium Density Residential) Zoning District. (APN: 204-043-007) SB;

Introduction of an Ordinance **Rezone** from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District,

Motion **Special Development Permit** to allow 5 town homes,

Motion **Tentative Map** to subdivide one lot into five lots and one common lot.

REPORT IN BRIEF

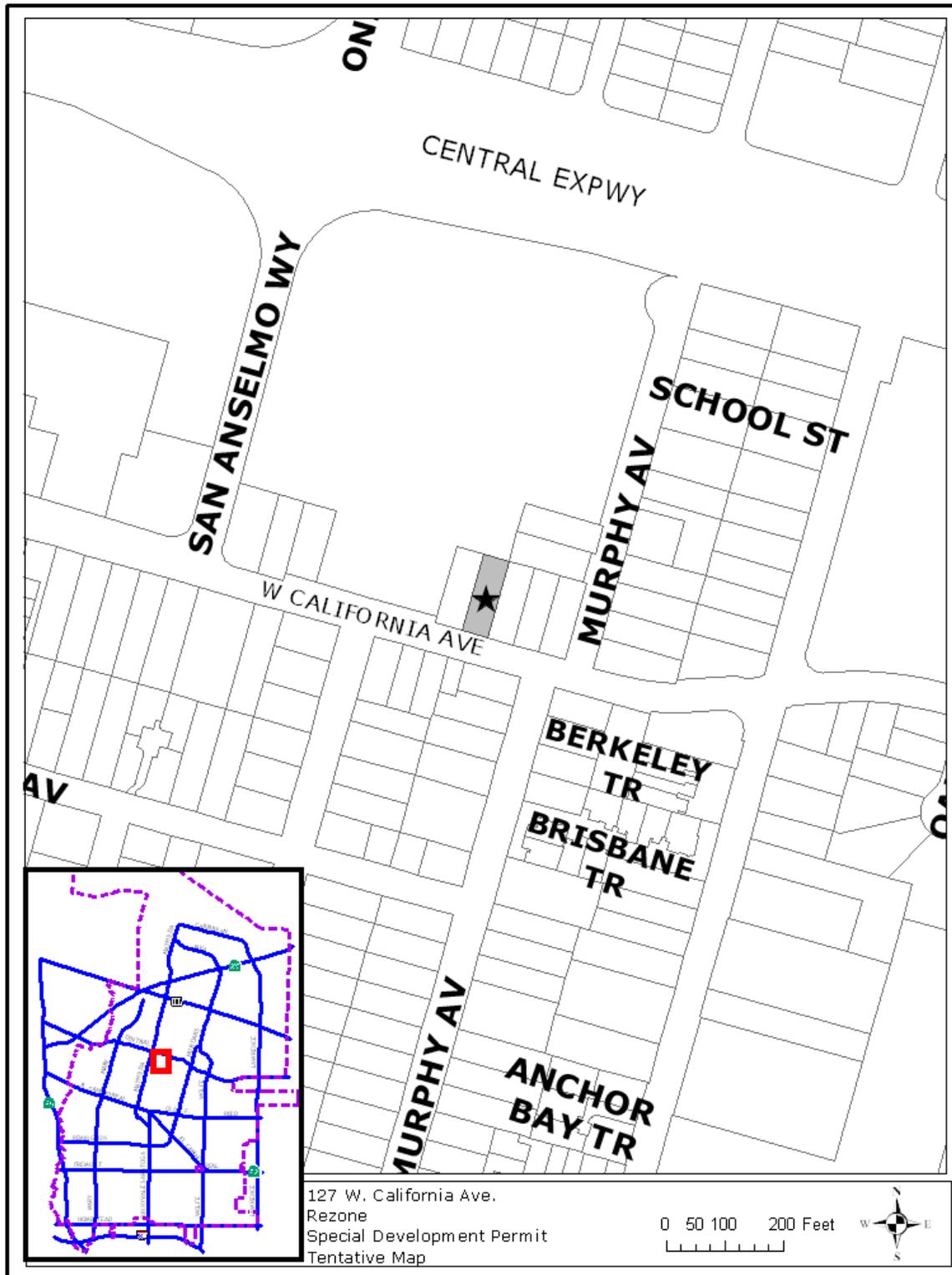
Existing Site Conditions Rental units, accessory utility buildings, carports and outdoor storage

Surrounding Land Uses

| | |
|-------|---------------------|
| North | Apartment complex |
| South | Single family homes |
| East | Single-family home |
| West | Apartment complex |

Issues Centralized Trash Enclosure, Privacy impacts, Neighborhood compatibility

Environmental Status A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|--|--------------------------|---|--------------------------------|
| General Plan | Residential High Density | Same | Residential High Density |
| Zoning District | R-3 | R-3/PD | By Re-zone |
| Lot Size (s.f.) | 12,278 | Same | 8,000 min. |
| Gross Floor Area (s.f.) | 3,220 | 10,447 | No max. |
| Lot Coverage (%) (including garages/carports/sheds) | 30 % approx. | 34 % | 40% max. |
| Floor Area Ratio (FAR) | 30% approx. | 85% | No max. |
| No. of Units | 6 | 5 | 6 max. |
| Density (units/acre) | 24 | 20 | 24 max. |
| Meets 75% min? | Yes | Yes | 5 min. |
| Bedrooms/Unit | Unknown | 3 per unit | No min. |
| Unit Sizes (s.f.) (Including garage) | Unknown | Unit 1: 2,134 Unit 2: 2,071 Unit 3: 2,014 Unit 4: 2,214 Unit 5: 2,014 | N/A |
| No. of Buildings On-Site | 2 + 1 shed +1 carport | 2 | No max. |
| Distance Between Buildings | Unknown | 20' | 20' min. |
| Building Height (ft.) | 11' approx. | 30'10" | 35' max. |
| No. of Stories | 1 | 3 | 3 max. |
| Setbacks (First/Second story) | | | |
| Front (facing California Avenue) | 20'4" | 9'6" (as measured from porch)/15' | 20' min. |

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---------------------------------------|-----------------|-----------------|--------------------------------|
| Left Side | 5'10" | 7'6"/10'6" | **12' min. (24' combined) |
| Right Side | 6' | 7'6"/10'6" | **12' min. (24' combined) |
| Rear | 46' | 20' | 20' min. |
| Landscaping (sq. ft.) | | | |
| Total Landscaping | 2,209 | 3,035 | 2,125 min. |
| Landscaping/Unit | 368 | 607 | 425 min. |
| Usable Open Space/Unit | Unknown | 485 | 400 min. |
| Frontage Width (ft.) | 10' | 15 ft. | 15 ft. min. |
| Parking | | | |
| Total Spaces | 8 | 13 | 13 min. |
| Covered Spaces | Unknown | 10 | 10 min. |
| Guest parking spaces | Unknown | 3 | 3 min. |
| Aisle Width (ft.) | 20 | 24 | 24 min. |
| Stormwater | | | |
| Impervious Surface Area (s.f.) | 10,011 | 8,393 | N/A |
| Impervious Surface (%) | 81% | 68.3% | N/A |

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

** Section 19.34.080 of the Sunnyvale Municipal Code requires that for new construction to a building in any zoning district where side yards are required, each side yard shall be increased 3 feet for each additional story above first story and that the side yard shall be measured at the ground level for multi-family developments. Since the subject project has a total of three stories, the total minimum side yard required is 6'+3'+3'=12', with a combined side yard of 24'.

ANALYSIS

Description of Proposed Project

The proposed project includes the demolition of the six existing units and the construction of five townhomes. In order to consider deviations from Municipal Code requirements, the site requires rezoning to R-2/PD (Low-Medium Density Residential/Planned Development). A Tentative Map is proposed for the individual ownership lots and common lot. In addition, the project proposes individual trash and recycling bins for each unit, rather than a centralized trash enclosure, as required by Sunnyvale Municipal Code Section 19.38.030 for residential developments of four or more units. A separate Variance application will be required to allow individual trash and recycling bins for each unit (not included as part of the subject project).

Background

Previous Actions on the Site: There are no previous planning actions related to the site.

Environmental Review

A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 32 Categorical Exemptions include infill developments that do not exceed the overall density allowed by the General Plan.

Rezoning

Change under Consideration: The project proposes to re-zone the site from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District.

Discussion of Rezoning: The applicant is requesting a Planned Development Combining District (PD) in conjunction with the existing R-3 zoning for the site. The request does not change the permitted density of the site but instead is a common tool utilized throughout Sunnyvale for the development of infill and small lot development projects. PD is intended to allow for flexibility in meeting the City's development standards and in some instances to place stricter controls on new development. The applicant may propose deviations to the zoning standards through the requested Special Development Permit.

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

- *To facilitate development or redevelopment of a site to improve the neighborhood.* (The PD facilitates the development of ownership units on substandard lots while staying within required density ranges)

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

The project involves a complete redevelopment of the project site. In order to design a residential project on a relatively small lot of this type, certain deviations will be necessary to allow for certain design elements. Requested deviations of the project are discussed in the following section of this report.

Special Development Permit

Site Layout: The site is an interior lot located mid-block facing W. California Avenue between N. Murphy and San Anselmo Way. The proposed layout consists of two separate buildings i.e. buildings A and B with 3 and 2 townhome units respectively, for a total of 5 units. Units 1, 2 and 3 are located in Building A while units 4 and 5 are located in Building B. A central driveway is positioned off of California Avenue. In addition, both buildings are three-story tall each with a garage located at ground level and two levels of living space above.

Each of the units has two-car garages that are positioned towards the central driveway. Pedestrian entrances to the middle and rear units are located off of the central driveway while entrance to the front units is through a porch facing W. California Avenue.

The project as designed does not meet the minimum front yard and side yard setback requirements. The applicant is requesting a deviation from front yard and side yard setback requirements for each story.

Three guest parking spaces and bicycle parking spaces have been provided at the rear of the site (see Site and Architectural Plans, Attachment C). The site also includes a fairly large common open space area located behind Building B. Ample landscaping has been provided all around the front, sides and rear of the building.

Floor Plan: The development offers two different floor plans, each with three bedrooms and two bathrooms. The units range from approximately 2,014 s.f. to 2,214 s.f. including garages. Each unit contains a storage area adjacent to the garage area. Differences are noted within the layouts of the storage areas provided for each unit. The garage level of the units will be approximately 3'6" below the grade of the top of curb. The garages are designed to be larger than 400 sq. ft. with room for utilities and trash enclosures within each garage.

Privacy Impacts on Neighbors: During review staff noted that the three townhome units comprising Building A, located on the right side of the property, are sited immediately adjacent to a single family home at 125 W. California Avenue. Since the proposed units are three-story tall and are located

close to the side property line, the townhomes will likely impact the privacy of the residents of the adjoining property. This is not an issue at the rear or on the left side of the property since a two-story apartment building is located on the adjoining lot on the left side. Moreover, it is the rear façades of the apartment buildings that face the subject property. Staff was also contacted by the property owner of 125 California Avenue who raised concerns about impacts on the privacy of his lot.

To minimize these negative impacts, staff recommends that the locations of Buildings A and B be switched so that two townhome units and the common open space area are located adjacent to the right property line instead of three townhomes. Doing so would not alter the internal layout or footprint of each building; however impacts on the privacy of a single family homeowner would be significantly reduced. Staff has included a condition of approval requiring this change.

Easements and Undergrounding: The Public Works Department is requiring a 12' wide right-of-way dedication along the project frontage on California Avenue. Staff has included a condition of approval requiring that all existing and proposed utilities shall be undergrounded, including boundary lines and service drops.

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

| <p align="center">Design Policy or Guideline (Site Layout)</p> | <p align="center">Comments</p> |
|---|--|
| <p><i>City-wide Design Guidelines</i></p> <p><i>B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i></p> | <p>The site layout allows for a stronger visual and pedestrian connection with vehicular access provided by means of a central driveway off California Avenue . Unassigned guest parking is hidden from public view at the rear of the site.</p> |

Architecture: The proposed townhomes are traditional in style and offer a variety of interesting elements along each façade. The units include windows that vary in shape and size. Gabled and hipped roof elements help break up the mass of the structure. Brackets are also incorporated to add relief along the roof line. The townhomes are three stories and reach a peak of 30' 10" in height as measured from the top of curb. The front porches have been designed using gabled roofs and include tapered columns with a wide stone base.

Each unit has a small outdoor patio area facing the side property line that is surrounded by wooden railings and includes a small staircase leading into the garage and storage area located on the ground floor. The pedestrian entrances to the units that are located at the centre and rear of each building facing the central driveway immediately adjacent to the garage door.

The materials proposed for both buildings include composition shingle on the roof, wood shingles on the third floor, wooden board and batten on the second floor and cultures rive rock around the garage level on the ground floor and on the chimney. The applicant proposes to pave the entrance to the central driveway as well as a portion of the driveway in front of each two-car garage using a color and texture that would tie into the materials used on the buildings.

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

| City-Wide Design Guidelines (Architecture) | Comments |
|--|--|
| <p><i>II Building Design:</i></p> <p><i>Buildings shall enhance the neighborhood and be harmonious in character, style, scale, color and material with existing buildings in the neighborhood.</i></p> | <p>The proposed architecture upgrades the visual aesthetics of the neighborhood with high quality design and detailing while utilizing similar materials and color that is evident in the surrounding multi-family neighborhood.</p> |
| <p><i>B1. Break up large buildings into groups of smaller segments whenever possible, to appear smaller in mass and bulk.</i></p> | <p>The two buildings are designed such that horizontal and vertical massing is broken up with various pop-outs and change in materials.</p> |

Landscaping: The R-3 Zoning District requires a minimum of 425 square feet of total landscaping per unit. The site exceeds this requirement by providing 607 square feet per unit. The proposed usable open space consists of small outdoor areas that vary in size amongst each unit. In addition, there is a fairly large outdoor usable open space area proposed at the rear of the site behind building B that could be used as an outdoor gathering space by the residents. The proposal exceeds the minimum 400 square feet per unit of usable open space by providing approximately 485 sq. ft. of usable open space per unit.

According to the arborist report submitted by the applicant, all the trees on or near the site are exotics with the exception of a live oak on the neighbor’s property. The report states that the trees on the subject property are of poor species consisting of pines, eucalyptus and a poplar and hence should be removed.

The site currently has eight trees including those located along the street. Six of these trees are considered “protected.” Protected trees are those that measure 38 inches or greater in circumference when measured at four feet and six inches from the ground.

The applicant has submitted a detailed landscaping plan which indicates that 31 new 24-inch box trees shall be planted on the site. In addition, several new 5-15 gallon size trees are proposed to be planted in the interior of the site in the front yard and rear open space area. Conditions of Approval require that 10% of the trees are 24-inch box or greater. Staff has also included a condition requiring that larger trees be planted along the east property line to further minimize impacts on the privacy of neighbors.

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

| City-Wide Design Guidelines (Landscaping) | Comments |
|--|--|
| <i>A4 Properly landscape all areas not covered by structures, driveways and parking.</i> | A preliminary landscaping plan indicates new trees and groundcover at various locations of the site. All areas not dedicated to structures, driveway or access requirements are noted as landscaped. |

Parking/Circulation: The project complies with the parking requirements by providing two covered parking spaces per unit and three unassigned guest parking spaces. These unassigned spaces are located at the rear of the lot. A new private street/driveway composed of pervious pavers would allow for access from California Avenue. The driveway area complies with Zoning Code requirements for aisle width and backup distance.

The Municipal Code (SMC 19.46.050) establishes a requirement for secured bicycle parking. As a matter of practice, the City uses the VTA Bicycle Technical Guidelines as the standard for both covered/enclosed (Class I) and uncovered/rack (Class II) bicycle parking for new developments. Standard practice has determined that developments with fully enclosed garages satisfy the covered/secured parking requirement. The current site plan includes fully enclosed garages for each unit. In addition, the applicant has provided a bicycle rack location at the northern end of the site.

Variance: Sunnyvale Municipal Code Section 19.38.030 requires a centralized trash enclosure for multi-family developments of four or more units. A Variance is required to grant an exemption from providing an enclosure. The applicant states that for this particular development a centralized location is not appropriate and would detract visually and functionally from the project. Additional garage area has been provided to accommodate storage area for individual trash and recycling bins. The Solid Waste Division has stated that a centralized location is discouraged for the proposed development due to lot size constraints that impact the ability of trucks to access the rear of the site. Locating a trash enclosure in front of the units is not desirable given its

visibility to the public street. Furthermore, a location at the rear of the site is not ideally accessible and would result in a loss in parking. Staff also finds that a front entrance location would result in a deviation from front yard setbacks along California Avenue. Furthermore, a loss of landscaping and open space for the site would also result.

A Variance request is not included as part of the subject application. The applicant will have to submit a separate Variance application that will be reviewed by the Administrative Hearing Officer prior to the Council hearing for this item. Staff has included a condition of approval requiring the same.

Compliance with Development Standards/Guidelines: The site meets most development standards except for front and side yard setback requirements, and lack of a centralized trash enclosure for which a Variance approval is required.

Expected Impact on the Surroundings: The proposal would result in a net decrease in density from six units to five townhomes. The number of units is in conformance with allowable density in the R-3 Zoning District. The proposed density is more in character with existing neighborhood pattern which is combination of apartment units and single family homes thus creating a more gradual transition. Visually, the new units will have an impact to the area as compared to the existing one-story units that lie on the site. Two-story structures are located nearby that compare similarly in overall height to the proposed three-story townhomes. As noted in the report, the architecture introduces high quality materials and design that should have a beneficial impact to the surrounding neighborhood.

Tentative Map

Description of Tentative Map: The project includes the subdivision of one parcel into five lots and one common lot. Connections to utilities will be done in accordance with City standard specifications. All required public right-of-way dedications will be provided by the project. The common lot will be maintained jointly by the residents of the property.

Fiscal Impact

Transportation/Park/Housing Fee:

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Since sending out the notice for the public hearing, staff received a letter from a nearby resident along California Avenue. The letter notes a concern with privacy impacts that could result from the new development. The letter is

included in Attachment H. Staff has addressed this issue in a previous section of the report and has included a condition of approval to minimize privacy impacts.

| Notice of Negative Declaration and Public Hearing | Staff Report | Agenda |
|--|--|--|
| <ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 76 notices mailed to the property owners and residents within 300 ft. of the project site | <ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website |

Conclusion

Discussion: The primary issues of this proposal relate to setbacks, privacy impacts on the adjoining property and the lack of a centralized trash and recycling enclosure. Staff has conditioned the project to minimize the privacy impacts on neighbors by requiring that the locations of Buildings A and B be switched and additional landscaping be planted along the east property line. A separate Variance application will be required to in order to approve individual trash enclosures for the units instead of a centralized enclosure as required by Code.

With regards to the front setback issue, the project has been designed at a setback of 9’6” from the front property line instead of 20’ as required by Code. Although the main bulk of the structure is located at 15’ from the front property line, the front porches extend out further. Staff recommends that the building B be located at a minimum setback of 15’ from the front property line to reduce the extent of the deviation. Building A has two guest parking spaces located behind it so it may not be possible to move that building farther back without relocating atleast one guest parking space. Even though it may be possible to relocate the guest parking spaces behind Building B, it will result in the loss of common open space area.

With regards to the side setback issue, the code requires a minimum side setback of 12’ for all three stories whereas the project has been designed at a side setback of 7’6” for the first and second floor and 10’6” for the third floor. Staff noted that increasing the side setback for the first floor is not possible without reducing the width of the central driveway aisle. Currently the driveway aisle is 24’ wide which is the minimum required by Code. In staff’s

opinion, the side setback deviation is a reasonable request as several other projects have been designed and approved with similar deviation requests.

The subject property is small lot and hence poses several challenges for a project to be designed to meet all code requirements. The townhouse style of development has been the typical and preferred style of development for home ownership within the R-3 Zoning District by residential builders in the city.

Staff finds that deviations have been minimized to create optimal use of the site. The townhouse development enables a modest sized project with regards to the number of units for the site which is in conformance with the R-3 Zoning density.

Findings and General Plan Goals: Staff was 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.

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

Alternatives

1. Introduce an Ordinance to Rezone 127-133 W. California Avenue from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map for five units and one common lot with attached conditions
2. Introduce an Ordinance to Rezone 127-133 W. California Avenue from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map for eight units and one common lot with modified conditions.
3. Deny the project.

Recommendation

Staff recommends Alternative 1.

Prepared by:

Surachita Bose
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Letters from Other Interested Parties
- F. Draft Rezoning Ordinance

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

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

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

Housing and Community Revitalization Sub-Element

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.*

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

The project meets most development standards and provides additional ownership housing opportunities and reinvestment in an existing medium density neighborhood.

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

The proposal is more compatible in density to adjacent residential development. The architecture of the new development complements as well as enhances the neighborhood. The proposal may encourage additional reinvestment and redevelopment in the surrounding area.

Recommended Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

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

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. Execute a Special Development Permit document prior to issuance of the building permit.
- B. 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.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- E. The "Use/Special Development" Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The "Use/Special Development" 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.
- G. Once this "Use/Special Development" Permit is exercised, the previously approved permit File Number [*File Number*] shall be null and void with no further action required by any reviewing authority.
- H. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission or City Council).
- I. Comply with all requirements of previously approved "Use/Special Development" File Number [*File Number*].

- J. 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.
- K. The developer shall work with the Santa Clara County Transit District in establishing bus stops, shelters, pads and turnout locations, if desired by the District.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

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

3. ENVIRONMENTAL MITIGATION MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:
- B. Submit plans for approval by the Director of Community Development showing the design and method by which continuous or recurrent noise will be buffered.
- C. Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures."
- D. Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation.
- E. Final plans shall bear the consultant's signature.
- F. Acoustical tests shall be performed by the developer to demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units.

4. ACCESSORY LIVING UNIT

- A. The applicant shall at all times comply with the requirements of the Accessory Living Unit as noted in SMC 19.68

5. BMR (BELOW MARKET RATE UNITS)

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.

- B. The project will provide _____ Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The project will provide _____ Below Market Rate rental dwelling units in compliance with SMC 19.66.
- D. 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)
- E. 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)
- F. 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))
- G. 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)
- H. BMR rental units - Record a "Deed of Trust" Prior to Occupancy Permit. (BMR Administrative Guidelines)
- I. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
- J. 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.
- K. 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))
- L. 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)
- M. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.

- N. 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)
- O. 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)
- P. Pay an in-lieu BMR fee of an amount determined by SMC 19.66.090 (developments consisting of 9-19 units only).

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

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. (Note: a homeowner's association and CC&R's are required for subdivision of 5 or more units only.)
- B. 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&R's shall include the following provisions:
- C. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- D. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- E. 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.
- F. The Conditions of Approval of this _____ Permit.
- G. The CC&Rs shall contain the following language:
- H. "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.

- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.

- N. 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."

7. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The plans shall be revised to be consistent with the Design Guidelines to provide the following:
1. Provide a focal point
 2. Accent points,
 3. Provide additional detail and variation to break up large/long wall planes,
 4. Enhance entry points, etc.
 5. Other modifications noted by the Hearing Officer/Planning Commission.
- B. The modified plans shall include additional details to (Planner can add specific language here)
- C. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- D. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.
- E. Fabric awnings shall be replaced at least every five years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development.

8. EASEMENTS AND DEDICATIONS

- A. Dedicate (TYPE EASEMENT) easement at (LOCATION) prior to issuance of a Building Permit or Final Map
- B. Apply for and obtain abandonment of street easement at (LOCATION:).
- C. Dedicate a six-foot easement on (STREET LOCATION).
- D. Dedicate (SELECT ONE: storm drain/sanitary sewer/water main easements). Install these facilities per Department of Public Works requirements.

9. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features.
- B. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- C. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

10. FEES

- A. Pay Traffic Impact fee estimated at \$_____, prior to issuance of a Building Permit. (SMC 3.50)
- B. Pay regional traffic impact fees estimated at \$_____, prior to issuance of a Building Permit.
- C. Pay Housing Mitigation fee estimated at \$_____, prior to issuance of a Building Permit. (SMC 19.22)
- D. Pay Park In-lieu fees estimated at \$_____, prior to approval of the Final Map or Parcel Map. (SMC 18.10)
- E. Pay Art in Private Development In-lieu fee estimated at \$_____, prior to issuance of a Building Permit (SMC 19.52)

11. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Such fences may extend along side property lines, but do not extend beyond the front line of the main building on each lot.
- C. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height.
- D. The fence or wall shall not exceed three feet in height for a distance of (FEET) feet from the street right-of-way on (STREET).
- E. For front yard fences in residential areas, open decorative type fences, such as picket, post and rail are preferred.
- F. Chain link and barbed wire fences are not allowed in residential areas.
- G. Install and maintain a (HEIGHT: 6 or 8) foot solid (wood fence/decorative masonry wall), measured from the highest adjoining grade, of a design approved by the Director of Community Development along the (FENCE DIRECTION) property lines(s).

Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

- H. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a “vision triangle” (For definition, refer to Vision Triangle brochure or SMC 19.12.040(16), SMC 19.12.050 (12))

12. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
 - 1. XXXX
- B. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- C. Provide separate meter for domestic and irrigation water systems.
- D. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
- E. The landscape plan shall including street trees and shall be submitted and approved per the City Arborist.
- F. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- G. Prepare a landscape maintenance plan subject for review and approval by the Director of Community Development
- H. 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.
- I. Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- J. Deciduous trees shall be provided along (DIRECTION) exposures for passive solar heating purposes.
- K. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

- L. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- M. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- N. Provide a ten-foot wide landscape buffer along the (DIRECTION) property line.
- O. Provide bermed landscaping along street frontages to (MOUND HEIGHT) feet in height.
- P. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- Q. All areas not required for parking, driveways or structures shall be landscaped.
- R. Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk.
- S. For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.

13. TREE PRESERVATION

- 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 approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).

2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

14. ON-SITE AMENITIES

- A. Swimming pools, pool equipment structures, play equipment and other accessory structures, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors.
- B. (NUMBER) “tot lots” shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities on a secured area of at least 1,500-sq. ft. each, as specifically approved by the Director of Community Development:
- C. Provide car wash areas as may be approved by the Director of Community Development.
- D. Provide faucets near each garage door for purposes of washing cars.

15. PARKING

- A. Specify customer and employee parking areas on plans. All such areas shall be clearly marked. Employees shall be required to park on the site.
- B. Indicate all guest-parking spaces on plans. Such spaces shall be clearly designated prior to occupancy in a manner approved by the Director of Community Development.
- C. No guest parking space shall be assigned within any parking structure.
- D. Each unit shall have at least one assigned covered parking space. When tandem spaces occur, both spaces shall be assigned to one unit.
- E. All covered spaces/garage spaces shall be assigned spaces.
- F. All uncovered spaces shall be reserved as guest parking spaces and shall be so designated prior to occupancy.
- G. No parking space shall be offered for rent by the property owners or homeowners association.

- H. Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
- I. Carport spaces shall be maintained at all times so as to allow parking of one automobile per space.
- J. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.
- K. All covered spaces shall be assigned spaces.
- L. All covered spaces shall be provided with garage doors.
- M. 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.
- N. All uncovered parking spaces shall be reserved as guest parking spaces and shall be so designated prior to occupancy.
- O. Vehicles owned or driven by residents or a vehicle for which a resident has any responsibility shall not be allowed to be parked in the designated guest parking spaces.
- P. All guest-parking spaces shall be reserved and designated for the exclusive use of guests and shall be so marked. No vehicle owned or operated by a resident shall be parked in a guest space.
- Q. Indicate all guest parking spaces on the plans. Such spaces shall be clearly designated [prior to occupancy in a manner approved by the Director of Community Development. No guest parking spaces shall be assigned within any parking structure.
- R. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to issuance of a Building Permit.
- S. Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- T. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.
- U. Preferential parking stalls in the first row of parking adjoining the buildings shall be reserved and so marked for (NUMBER OF VANS) pool vans capable of carrying at least eight people.
- V. A total of (NUMBER OF PARKING SPACES) preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van

parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle.

- W. Specify number of parking areas on the plans. All such areas shall be clearly marked. Employees shall be required to park on the site.
- X. Provide (NUMBER) moving van spaces evenly distributed throughout the development, as approved by the Director of Community Development.

16. BICYCLE PARKING

- A. Provide (NUMBER OF SPACES) OF (SELECT ONE: Class I/Class II) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

17. STREETS

- A. PRIVATE STREETS
- B. Dedicate private streets as emergency vehicle ingress-egress easements.
- C. NEW STREETS
- D. The name of the (SELECT ONE: east-west/north-south) street shall be (NAME:) or another name as determined by (SELECT ONE: City Council/Planning Commission).
- E. The common lot shall be assigned a private street name in accordance with the official Street Name System, as selected by the Community Development Department.

18. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- E. Submit a detailed recycling and solid waste plan to Director of Community Development for review and approval.
- F. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.
- G. Remove all debris, structures, area light poles, and paving from the site prior to commencement of new construction.

19. RIGHT-OF-WAY IMPROVEMENTS

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

20. ROOF/ROOF SCREENS

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

21. SOLAR ENERGY

- A. Roof system shall be designed to provide an adequate area with proper solar access and orientation to accommodate the required number of collector panels.
- B. Such system shall carry a warranty as prescribed by the California Energy Commission in order to qualify for State Income tax credit.
- C. Such systems shall be designed and installed in accordance with an overall plan as approved by the Director of Community Development.
- D. Separate active solar energy- collection system shall be provided for each adjoining residential dwelling unit.

22. STORAGE

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
- B. Unenclosed storage of any vehicle shall be prohibited.
- C. Unenclosed storage of any kind shall be prohibited on the premises.
- D. All exterior trash shall be confined to approved receptacles and enclosures.
- E. Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any

modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

- F. Carport locker units shall have a minimum depth of 30 inches.
- G. No hanging lockers shall be allowed in carports unless a full back wall is provided on the carport.

23. TRAFFIC/ROAD IMPROVEMENTS

- A. Provide a traffic signal at (LOCATION).
- B. Construct a bus duckout of a design and location approved by the Director of Public Works.
- C. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit.

24. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- C. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- D. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- E. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- F. Improvement plans showing conduits for future undergrounding of existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.
- G. Any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plans to the Director of Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances

shall additional poles be permitted along the frontage of this development.

- H. A copy of an agreement with affected utilities companies for existing overhead utilities which are on-site or within adjoining rights-of-way shall be provided to the Director of Community Development prior to issuance of a Building Permit or a deposit or bond in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- I. A copy of an agreement with affected utilities companies for undergrounding all existing and proposed overhead service drops to the building shall be provided to the Director of Community Development prior to issuance of a Building Permit.
- J. Solar-assisted hot water shall be provided for all swimming pools and spas. Provide 70% of hot water needs for summer months.
- K. The recreation facilities (pool and clubhouse) shall be installed in connection with the first phase.
- L. Indoor shower and locker facilities shall be provided for men and women at the ratio of one shower for every 30 employees and individual lockers.

25. VEHICLES

- 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.

26. MISCELLANEOUS

- A. Prior to commencement of new construction remove all debris, structures, area light poles, and paving from the site.
- B. No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. (Applicable to some projects such as the shopping center SW of ECR & Henderson).
- C. The additional floor area herein approved shall be used solely for hazardous materials as licensed under the provisions of Title 20 of the Sunnyvale Municipal Code, and as authorized by Use Permit No. (FILE NUMBER) and for no other purposes.

27. TENTATIVE MAP CONDITIONS

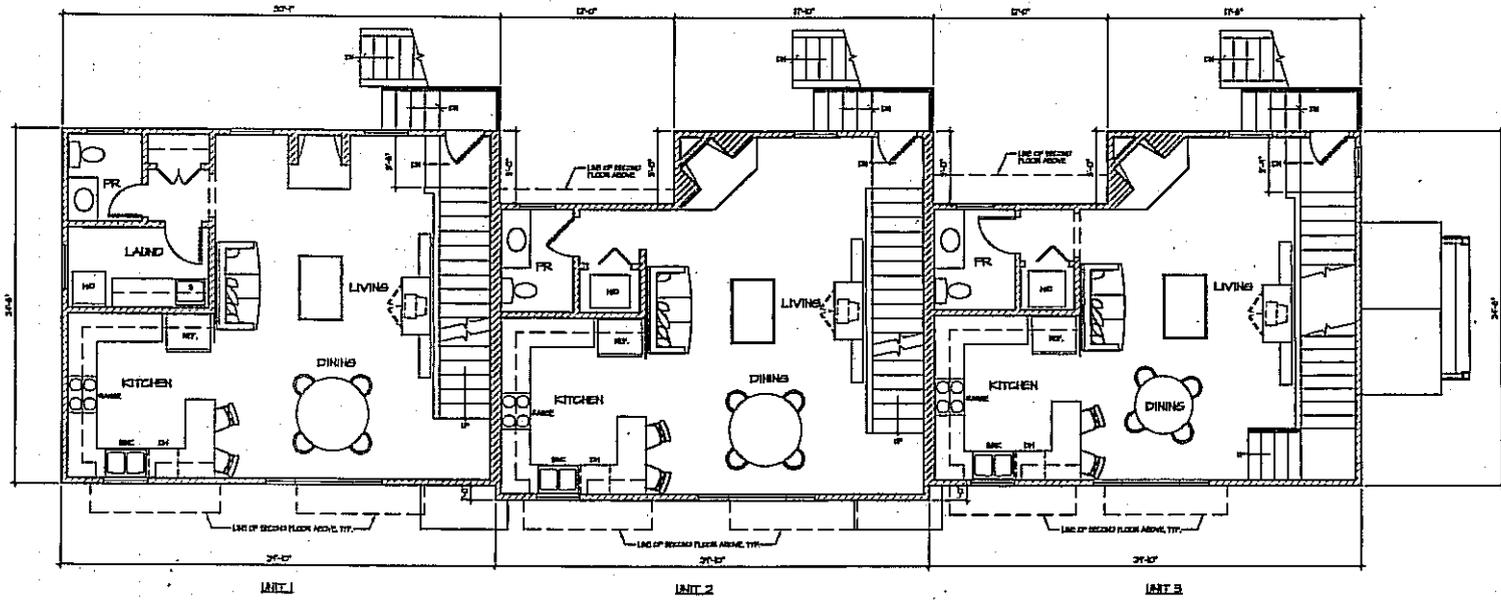
- A. Full development fees shall be paid for each project parcel or lot shown on (SELECT ONE: Final Tract Map/Parcel Map) and the fees

shall be calculated in accordance with City Resolutions current at the time of payment.

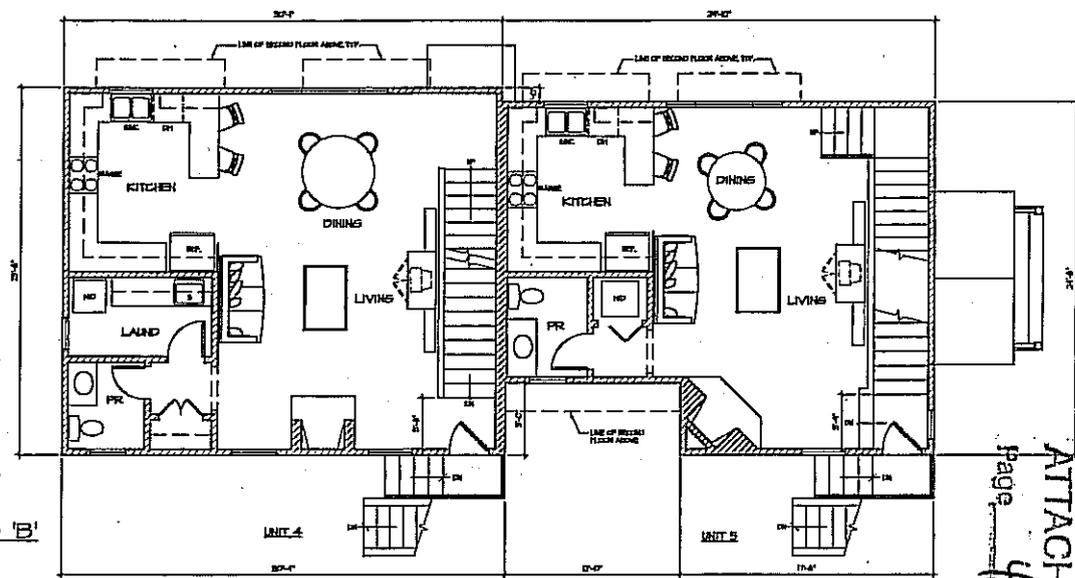
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.

28. SUBDIVISIONS

- A. Individual buildings shall not be sold separately, or if the sale of any building shall be anticipated, all requirements of the Subdivision Ordinance in effect at the time of the sale shall be compiled with in full prior to such sale (State Subdivision Map Act).
- B. Remove all debris, structures, area light poles, and paving from the site prior to recordation of a final map.



FIRST FLOOR PLAN - BUILDING 'A'
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - BUILDING 'B'
SCALE: 1/4" = 1'-0"



REVISIONS
 DATE BY
 1
 2
 3
 4
 5
 6
 7
 8
 9
 10

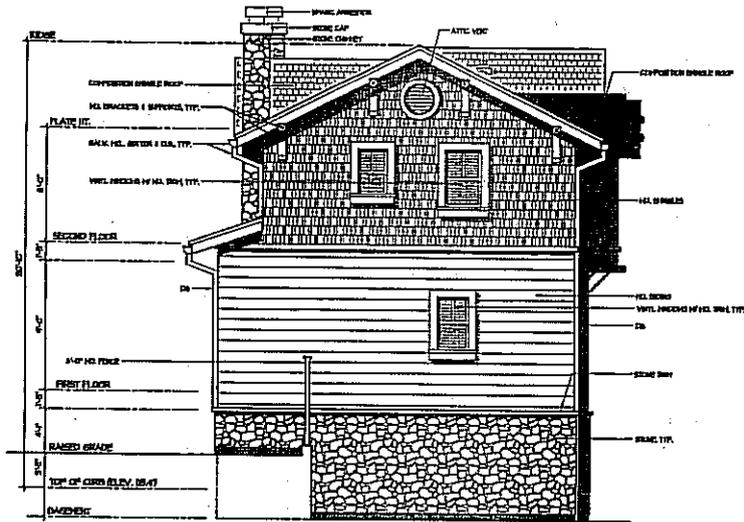
Dale Meyer Associates
 ARCHITECTURE • PLANNING • INTERIOR DESIGN
 881 BUREAU ROAD, SUITE 200
 FORT BRIDGE, CALIFORNIA 94941
 TEL: 707/848-1824 FAX: 707/848-1824

NIKOLEY TOWNHOMES
 127 4133 W. CALIFORNIA AVE., SUNNYVALE, CA 94086

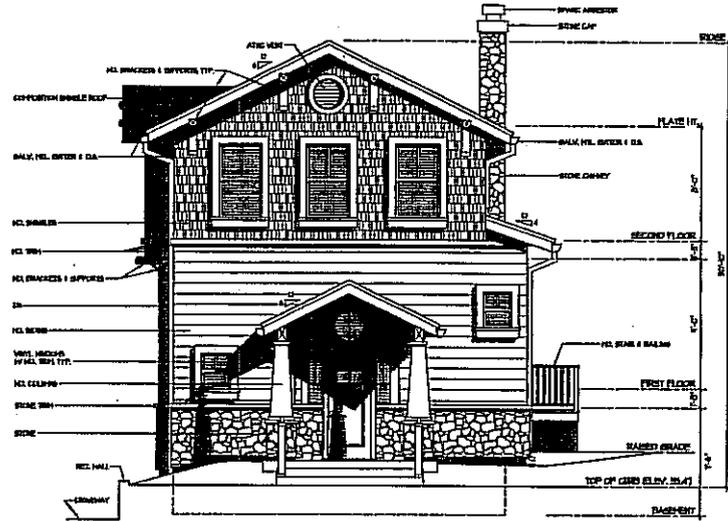
| | |
|----------|----------|
| DATE | BY |
| DRAWN BY | LF |
| JOB | W-2 |
| SCALE | AS SHOWN |
| SHEET | 10 |

ATTACHMENT C
 Page 4 of 19

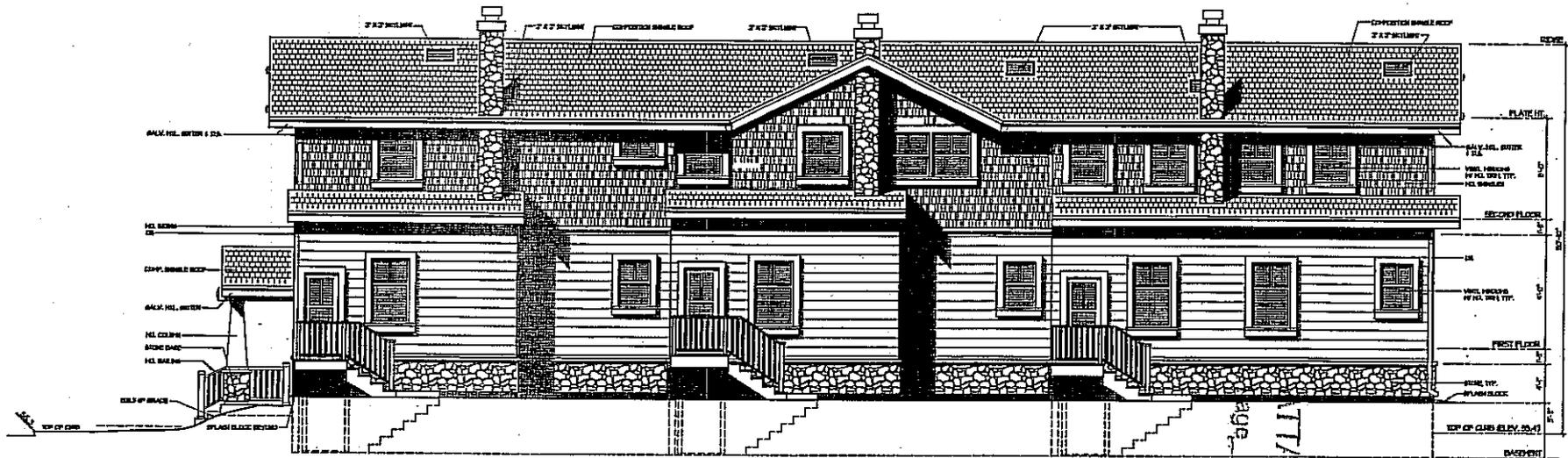
The information contained herein is the property of Dale Meyer Associates, Inc. and is not to be used for any other project without the written consent of Dale Meyer Associates, Inc.



NORTH ELEVATION - BUILDING 'A'
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION - BUILDING 'A'
SCALE: 1/4" = 1'-0"



EAST ELEVATION - BUILDING 'A'
SCALE: 1/4" = 1'-0"

KEY/SCHEDULE

Dale Meyer Associates
ARCHITECTURE • PLANNING • INTERIOR DESIGN
800 BROADWAY, SUITE 200
SUNNYVALE, CA 94086
PHONE: (925) 848-8084 FAX: (925) 848-8084

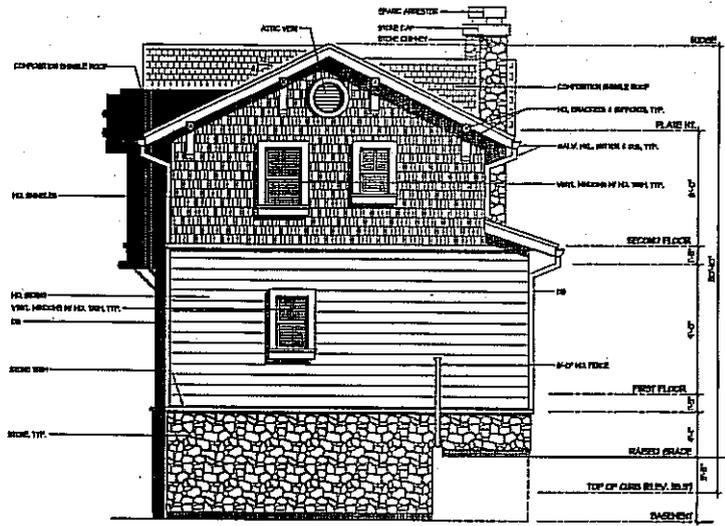
NIKOLEY TOWNHOMES
1271 4133 N. CALIFORNIA AVE., SUNNYVALE, CA 94086

DATES: DESIGN
DRAWING: EC
JOB: 20-03
FILE NO: 20-03M
SHEET:

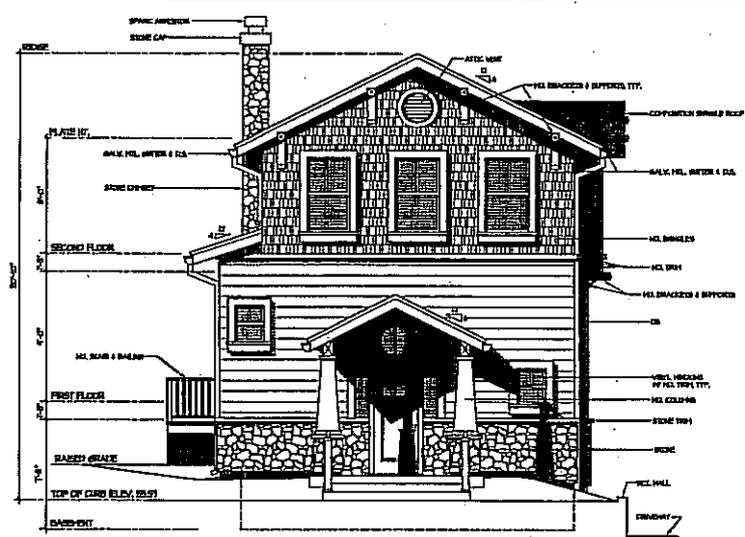
P6
4

ATTACHMENT C
Page 7 of 19

D:\projects\2003\20-03\20-03M.dwg, 11/15/03, 4:11:00 PM



NORTH ELEVATION - BUILDING 'B'
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION - BUILDING 'B'
SCALE: 1/4" = 1'-0"



EAST ELEVATION - BUILDING 'B'
SCALE: 1/4" = 1'-0"

REVISIONS:
 Dale Meyer Associates
 ARCHITECTURE • PLANNING • INTERIOR DESIGN
 201 BUCKLEY ROAD, SUITE 200
 BERKLEY, CA 94707
 PHONE: (925) 948-9054
 FAX: (925) 948-9054

NIKOLEY TOWNHOMES
 127 4155 N. CALIFORNIA AVE., SUNNYVALE, CA 94085

| | |
|-------------|---------|
| DATE: | 2/10/08 |
| DRAWN BY: | J.C. |
| CHECKED BY: | D.M. |
| FILE NO.: | 204035 |
| SHEET: | 108 |

ATTACHMENT 2
 Page 9 of 19

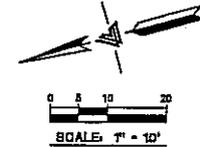
3/10/2008 10:00 AM C:\Users\jcm\Documents\Projects\204035\204035.dwg (1/10/2008 10:00 AM)



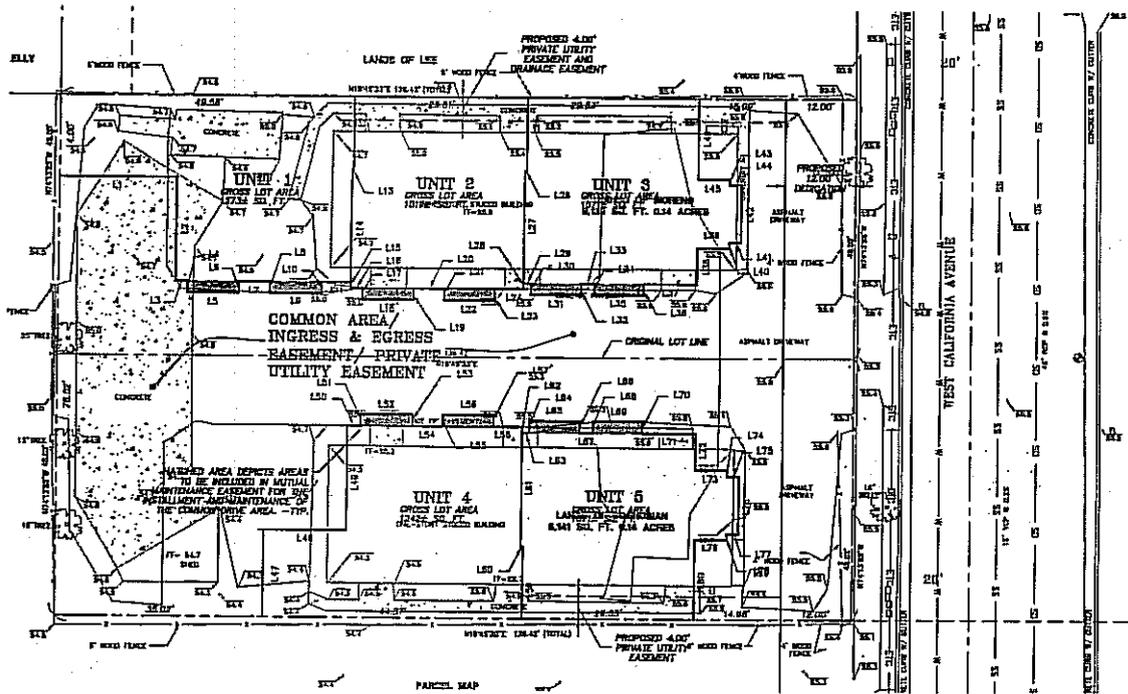
VICINITY MAP
NO SCALE

TENTATIVE TRACT MAP # _____

127 & 133 W. CALIFORNIA AVE. SUNNYVALE, CA 94086



SCALE: 1" = 10'



| LINE | LENGTH | BEARING |
|------|--------|-------------|
| L1 | 20.00' | N18°24'27"W |
| L2 | 18.00' | S74°14'30"E |
| L3 | 2.00' | N18°24'27"W |
| L4 | 2.00' | S74°14'30"E |
| L5 | 8.83' | N18°24'27"W |
| L6 | 2.00' | S74°14'30"E |
| L7 | 2.00' | N18°24'27"W |
| L8 | 2.00' | S74°14'30"E |
| L9 | 8.83' | N18°24'27"W |
| L10 | 2.00' | S74°14'30"E |
| L11 | 4.82' | N18°24'27"W |
| L12 | 12.50' | S74°14'30"E |
| L13 | 8.24' | N18°24'27"W |
| L14 | 18.00' | S74°14'30"E |
| L15 | 1.00' | S74°14'30"E |
| L16 | 1.87' | N18°24'27"W |
| L17 | 2.00' | S74°14'30"E |
| L18 | 8.83' | N18°24'27"W |
| L19 | 2.00' | S74°14'30"E |
| L20 | 2.00' | N18°24'27"W |
| L21 | 2.00' | S74°14'30"E |
| L22 | 8.83' | N18°24'27"W |
| L23 | 2.00' | S74°14'30"E |
| L24 | 4.82' | N18°24'27"W |
| L25 | 12.50' | S74°14'30"E |
| L26 | 8.83' | N18°24'27"W |
| L27 | 18.00' | S74°14'30"E |
| L28 | 1.87' | N18°24'27"W |
| L29 | 1.87' | S74°14'30"E |
| L30 | 2.00' | N18°24'27"W |
| L31 | 8.83' | S74°14'30"E |
| L32 | 2.00' | N18°24'27"W |
| L33 | 2.00' | S74°14'30"E |
| L34 | 8.83' | N18°24'27"W |
| L35 | 8.83' | S74°14'30"E |
| L36 | 2.00' | N18°24'27"W |
| L37 | 2.00' | S74°14'30"E |
| L38 | 8.83' | N18°24'27"W |
| L39 | 2.00' | S74°14'30"E |
| L40 | 2.00' | N18°24'27"W |
| L41 | 2.00' | S74°14'30"E |
| L42 | 18.00' | S74°14'30"E |
| L43 | 2.00' | N18°24'27"W |
| L44 | 8.83' | S74°14'30"E |
| L45 | 12.50' | N18°24'27"W |
| L46 | 12.50' | S74°14'30"E |
| L47 | 14.00' | N18°24'27"W |
| L48 | 18.00' | S74°14'30"E |
| L49 | 2.00' | N18°24'27"W |
| L50 | 2.00' | S74°14'30"E |
| L51 | 8.83' | N18°24'27"W |
| L52 | 2.00' | S74°14'30"E |
| L53 | 8.83' | N18°24'27"W |
| L54 | 2.00' | S74°14'30"E |
| L55 | 2.00' | N18°24'27"W |
| L56 | 8.83' | S74°14'30"E |
| L57 | 2.00' | N18°24'27"W |
| L58 | 8.83' | S74°14'30"E |
| L59 | 12.50' | N18°24'27"W |
| L60 | 12.50' | S74°14'30"E |
| L61 | 12.50' | N18°24'27"W |
| L62 | 1.00' | S74°14'30"E |
| L63 | 1.00' | N18°24'27"W |
| L64 | 2.00' | S74°14'30"E |
| L65 | 8.83' | N18°24'27"W |
| L66 | 2.00' | S74°14'30"E |
| L67 | 2.00' | N18°24'27"W |
| L68 | 2.00' | S74°14'30"E |
| L69 | 8.83' | N18°24'27"W |
| L70 | 2.00' | S74°14'30"E |
| L71 | 8.24' | N18°24'27"W |
| L72 | 8.24' | S74°14'30"E |
| L73 | 8.24' | N18°24'27"W |
| L74 | 1.00' | S74°14'30"E |
| L75 | 1.00' | N18°24'27"W |
| L76 | 2.00' | S74°14'30"E |
| L77 | 2.00' | N18°24'27"W |
| L78 | 8.83' | S74°14'30"E |
| L79 | 8.24' | N18°24'27"W |
| L80 | 12.50' | S74°14'30"E |



LEA & BRAZE ENGINEERING, INC.
 1100 UNIVERSITY AVENUE, SUITE 200
 SUNNYVALE, CALIFORNIA 94086
 TEL: (415) 837-2000
 WWW.LEABRAZE.COM

NIKOLEY TOWNHOMES
 127 & 133 W. CALIFORNIA AVE.
 SUNNYVALE, CALIFORNIA
 SANTA CLARA COUNTY PLOT: 20-05-007 AND 008

TENTATIVE MAP
 LOT LAYOUT

| | | |
|------------|------|----|
| PLAN CHECK | DATE | BY |
| REVISIONS | BY | |
| ADD HR | DATE | |
| DATE | BY | |
| SCALE | BY | |
| DRAWN BY | DATE | |
| CHECKED BY | DATE | |

ATTACHMENT
 Page 18 of 19





LEA & BRAZE ENGINEERING, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 1400 WEST 14TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 WWW.LEABRAZE.COM

NIKOLEY TOWNHOMES
 127 & 133 W. CALIFORNIA AVE.
 SUNNYVALE, CALIFORNIA
 SANTA CLARA COUNTY
 APR. 2011-0-017 AND 018

**STORMWATER
 POLLUTION
 PREVENTION PLAN**

| | |
|------------------|------|
| PLAN CHECKED BY | DATE |
| REVISIONS BY | |
| JOB NO. 20050111 | |
| DATE: 8-31-07 | |
| SCALE: 1" = 10' | |
| DESIGN BY: LW | |
| DRAWN BY: JH/AC | |
| SHEET NO. | |

SW-1
 OF 3 SHEETS



SWPPP [STORMWATER POLLUTION PREVENTION PLAN] NOTES:

1) STORM WATER REQUIREMENTS WILL BE IMPLEMENTED AT IMPROVEMENT PHASE STAGE

THE CONTRACTOR SHALL INSTALL AND ACTIVELY MAINTAIN INTERIM AND PERMANENT MAINTENANCE TURNED OVER TO OWNER AT THE APPROPRIATE TIME DROSSON & SEDIMENTATION CONTROL MEASURES PER CITY AND SCHURFF STANDARDS

THE CONTRACTOR SHALL PROVIDE THE OWNER OR OWNER'S AGENT WITH MATERIALS AND INSTRUCTIONS FOR THE PERIODIC INSPECTION AND MAINTENANCE OF THE SWPPP MEASURES THAT HAVE BEEN INSTALLED. THIS SHALL INCLUDE A LIST OR SCHEDULE OF THE BMP'S FOR LONG TERM STORMWATER POLLUTION PREVENTION.

INTERIM BMP'S MAY INCLUDE (BUT ARE NOT LIMITED TO) STRAW BODIES, SWAMP CONSTRUCTION ENTRANCES, DESIGNATED EQUIPMENT CLEANING AREAS, SEALED CONTAINERS FOR WASTE PAINT & CHEMICALS (FOR LATER DISPOSAL PER CITY OR COUNTY REQUIREMENTS), DUST CONTROL, RECTANGULAR SEDIMENTATION BASINS, GRAVEL FILLED CURBAP BACKS, MULCHING, AND HYDROSEEDING.

PERMANENT BMP'S MAY INCLUDE (BUT ARE NOT LIMITED TO) VEGETATIVE TRISSALS, LOW FLOW IRRIGATION SYSTEMS, FRENCH DRAINS, SAND/SILT SEPARATORS, RETAINING WALLS, STOCKS OF GRASS SEEDS, AND THE APPROPRIATE USE OF COMPOSTS FOR LANDSCAPE AND FACILITIES MAINTENANCE.

PUBLIC AWARENESS IS A VERY IMPORTANT ASPECT OF STORMWATER POLLUTION PREVENTION SUCH AS THE POSTING OF SIGNS, BIKES AND DOTS FOR OWNERS, AND MAINTENANCE STAFF, & CONTRACTORS.

GRADING & DRAINAGE NOTES:

ROOFTOP RAINWATER DOWNSPOUTS (LEADERS) SHOULD OUTFALL ONTO THE SURFACE (ON SPLASH BLOCKS OR SIMILAR) WHEREVER FEASIBLE TO PROMOTE OVERLAND FLOWS.

SLOPE EARTHEN CHANES AROUND BUILDING PERIMETER AWAY FROM FOUNDATION @ 4% (SEE 104) FOR AT LEAST FIVE FEET (5') AND DIRECT TO POSITIVE OUTFALL. HARDSCAPE AREAS SHOULD HAVE A 1% TIP (10% MIN.) SLOPE TOWARDS POSITIVE OUTFALL. -TYP.

ALL FINE GRADING SHALL BE DONE IN A MANNER TO PROMOTE POSITIVE DRAINAGE, FILTRATION, PREVENT EROSION, PREVENT DEEP PENETRALS, AND TO DIRECT FLOWS (OTHER SHEET OR CONCENTRATED) TO APPROPRIATE OUTFALLS -TYP.

PROVIDE VEGETATIVE AND/OR GRAVEL LINED EARTHEN SWALES TO PROMOTE FILTRATION AND SLOWER FLOW VELOCITIES. OPTIMAL FLOWLINE GRADIENT RANGE 2% TO 3% WITH A MINIMUM OF 1% AND A MAXIMUM OF 4%.

SHEET FLOWS (NON-CONCENTRATED) ARE TO BE CONSIDERED AS THE PREFERRED OVERLAND ALTERNATIVE IN MOST CASES. SHEET FLOWS TEND TO PROMOTE FILTRATION, IMPROVE DROSSON, AND PROMOTE GROUNDWATER RECHARGE.

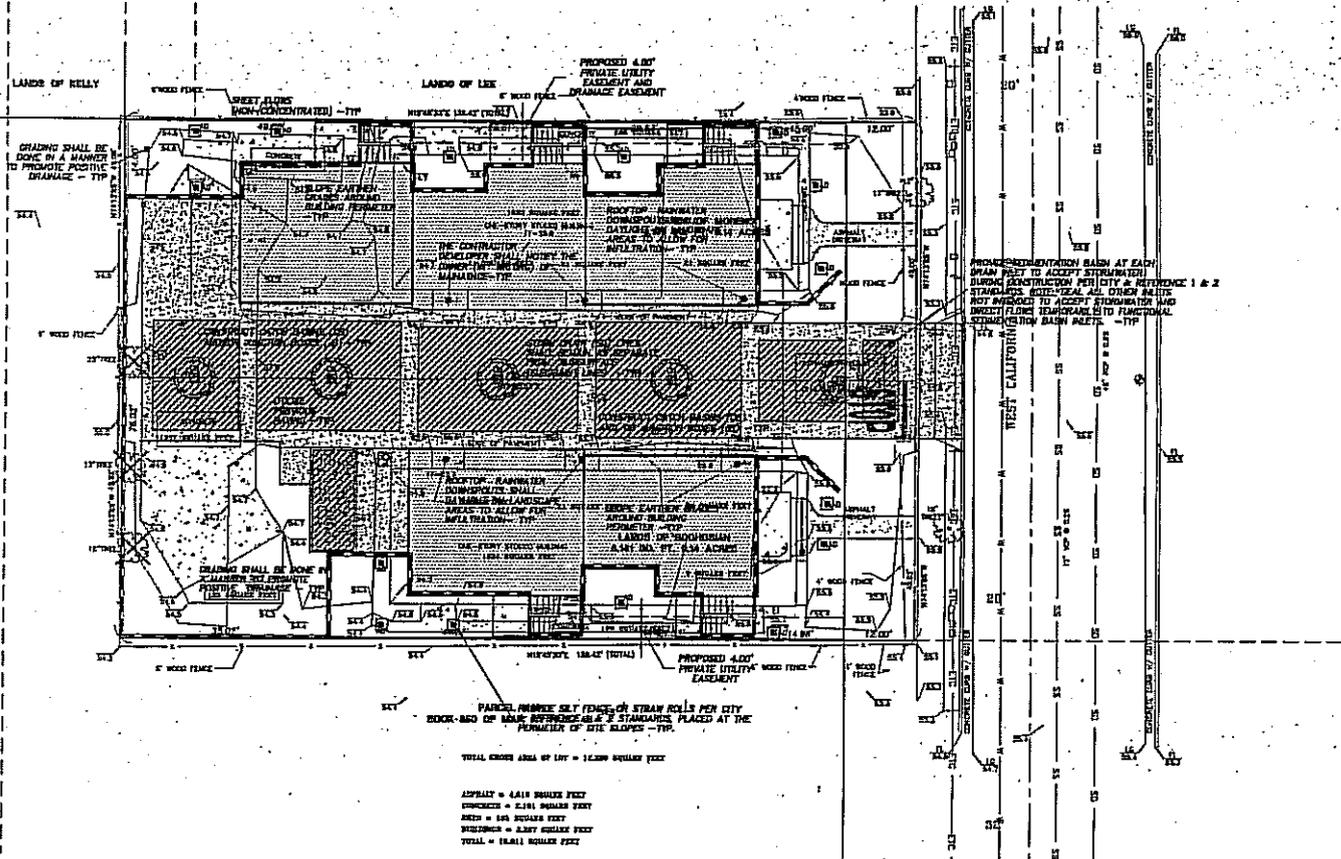
UTILIZE PERVIOUS PAVING WHEREVER POSSIBLE AS THE PREFERRED METHOD FOR DRIVEWAYS, PATIOS, BALCONIES, ETC. PERVIOUS PAVING SIGNIFICANTLY REDUCES STORMWATER RUNOFF AND PROMOTES GROUNDWATER RECHARGE.

CONSTRUCT UNDER AREA DRAINS (A) WITH BOXES SET ON MIN. 1/2" THICK GRAVEL BED TO PROMOTE GROUNDWATER RECHARGE OF LOW FLOW VOLUMES AND NATURAL FILTRATION.

CONSTRUCT CATCH BASINS (B) AND/OR JUNCTION BOXES (C) WITH A SLUMP DEPTH OF 1/2" TO CATCH HEAVY SOLIDS AND DEBRIS. BOXES SHOULD BE SET ON MIN. 1/2" THICK GRAVEL BED TO PROMOTE GROUNDWATER RECHARGE OF LOW FLOW VOLUMES AND NATURAL FILTRATION.

STORM DRAIN (D) LINES (FROM DRAIN BAILETS & AREA DRAINS) SHALL REMAIN AS SEPARATE AND DEDICATED LINES FROM ANY AND ALL SUBSURFACE (SEWERMAN) LINES AND SHALL CONNECT ONLY TO THE ULTIMATE OUTFALL STRUCTURE (WHERE APPLICABLE).

THE CONTRACTOR / DEVELOPER SHALL NOTIFY THE OWNER (OR WRITING) OF THE NEED FOR PERIODIC INSPECTION AND MAINTENANCE OF THE ON-SITE DRAINAGE SYSTEM. INSPECTIONS SHOULD BE DONE AT THE FOLLOWING TIMES (AT LEAST): 1) BEGINNING OF EACH RAINY SEASON, 2) FOLLOWING HEAVY RAINSTORMS DURING THE FIRST YEAR OR TWO AFTER LANDSCAPING IS DONE, 3) IF THE SYSTEM BEGINS TO BACK-UP, & 4) AT THE END OF EACH RAINY SEASON.



ATTACHMENT C
 Page 19 of 19

PROJECT DESCRIPTION

**127 & 133 West California Avenue
Sunnyvale, CA 94086**

The proposed project consists of two new buildings one with three 3-bedroom residential units and one with two 3-bedroom units. Each unit is two stories plus a basement. All the garages have similar floor plans varying slightly in window placement and/or entry location. All of the garages are located approximately 24 inches below existing grade. The materials proposed for both buildings are composition shingle on the roof, wood shingles on the second floor, wood board and batten on the first floor, and cultured river rock around the basement level and on the chimney. The entry of the driveway as well as a border in front of each 2-car garage will be paved in a color and texture that will tie into the materials of the units as well as creating visual interest. Landscaping will be taken into consideration to create a residential feeling within the development. A large common open space will be provided that will create a nice gathering area for the residents. In addition to review by the Planning Commission this project will also need a Rezone approval.



Mayne Tree Expert Company, Inc.

ESTABLISHED 1931

STATE CONTRACTOR'S LICENSE NO. 276793

GRADUATE FORESTER

CERTIFIED ARBORISTS

PEST CONTROL

ADVISORS AND OPERATORS

RICHARD L. HUNTINGTON
PRESIDENT

KEVIN R. KIELTY
OPERATIONS MANAGER

535 BRAGATO ROAD, STE. A
SAN CARLOS, CA 94070-6228

TELEPHONE: (650) 593-4400

FACSIMILE: (650) 593-4443

EMAIL: info@maynetree.com

February 5, 2007

Mr. Dale Meyer
Dale Meyer Associates
851 Burlway Road
Suite 700
Burlingame, CA 94010

Dear Mr. Meyer,

Site: 127 West California, Sunnyvale

At your request, on Wednesday, January 31, 2007, I visited the above site for the purpose of inspecting and commenting on the trees on site. New construction is planned for this site and a tree protection plan will be included in this report.

Method:

The trees on this site were located on a map provided by you. Each tree was given an identification number. This number was inscribed on a metal foil tag and nailed to the tree at eye level. The trees were then measured for diameter at 54 inches above ground level. Each tree was given a condition rating from 1 – 100 for form and vitality using the following scale.

| | | | |
|----|---|-----|-----------|
| 1 | – | 29 | Very Poor |
| 30 | – | 49 | Poor |
| 50 | – | 69 | Fair |
| 70 | – | 89 | Good |
| 90 | – | 100 | Excellent |

The height of each tree was estimated and the spread was paced off. Lastly, a comments section is provided.

Tree Survey

| Tree # | Species (Common) | DBH (inches) | Condition (percent) | Height (feet) | Spread (feet) | Comments |
|--------|------------------------------|--------------|---------------------|---------------|---------------|---|
| 1 | Podocarpus | 21.3 | 60 | 30 | 35 | Topped for utilities. In small root zone. |
| 2 | English Walnut | 15.2 | 65 | 25 | 30 | At edge of sidewalk in hedge. |
| 3 | Redwood (neighbor's) | 20 (est.) | 75 | 45 | 20 | 10' from property line. |
| 4 | Redwood (neighbor's) | 22 (est.) | 80 | 50 | 25 | 10' from property line. |
| 5 | Monterey Pine | 7.8 | 40 | 25 | 20 | Leans heavily over parking. Poor specimen; suppressed. |
| 6 | Monterey Pine | 31.6 | 65 | 45 | 50 | Good vigor; no bark beetles. Heavy lateral limbs. |
| 7 | Monterey Pine | 19.2 | 45 | 35 | 55 | Has good vigor, but extremely poor form. Leans over garage at near 45° angle. |
| 8 | Red Ironbark Eucalyptus | 22.1 | 55 | 50 | 25 | Foliage thin. Poor limb attachment at 20'. |
| 9 | Lombardy Poplar (neighbor's) | 38 (est.) | 60 | 55 | 25 | 15' from corner of lot. |
| 10 | Lombardy Poplar | 12.1 | 70 | 45 | 15 | At edge of garage. Tall for DBH. |
| 11 | Coast Live Oak (neighbor's) | 36 (est.) | 65 | 35 | 70 | Good vigor, but poor limb attachment. |
| 12 | Almond (neighbor's) | 20 (est.) | 45 | 15 | 30 | Over mature; suppressed by #11. |

Summary:

The trees on or near this site are all imported trees (exotics) with the exception of the live oak on the neighbor's property. The trees on this lot range from poor to good. The trees that are actually on the property contribute little to the neighborhood environment. The trees on this property are of poor species consisting of pines, eucalyptus and a poplar. These trees should be removed and replaced at the time of landscaping with species that will thrive on this site. The neighboring trees with proper tree protection will have only little or no negative impacts to their root zones.

Tree Protection Plan:

Tree protection zones should be installed and maintained throughout the entire length of the project. Fencing for protection zones should be 6-foot tall metal chain link, supported by steel poles pounded into the ground. Location for protection zones should be as close to the driplines as possible still allowing room for construction to safely continue. On this site, the existing wood fencing will adequately protect the neighbor's trees. Store no equipment or materials inside protection zones nor shall any equipment be cleaned there.

Any roots to be cut should be monitored and documented; prior to cutting, the site arborist should inspect large roots or large masses of roots. Fertilization or irrigation may be recommended at this time. Cut roots clean with a saw or loppers. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist.

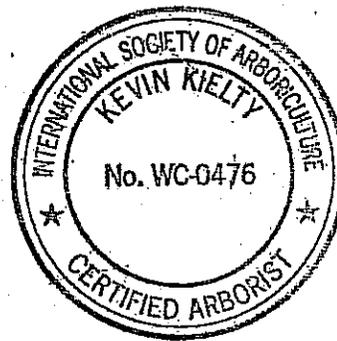
Trenching for irrigation, electrical, drainage or any other reason should be hand dug when beneath the driplines of desired trees. Hand digging and carefully placing pipes below or beside protected roots will dramatically reduce root loss. Reducing root loss will reduce trauma to desired trees.

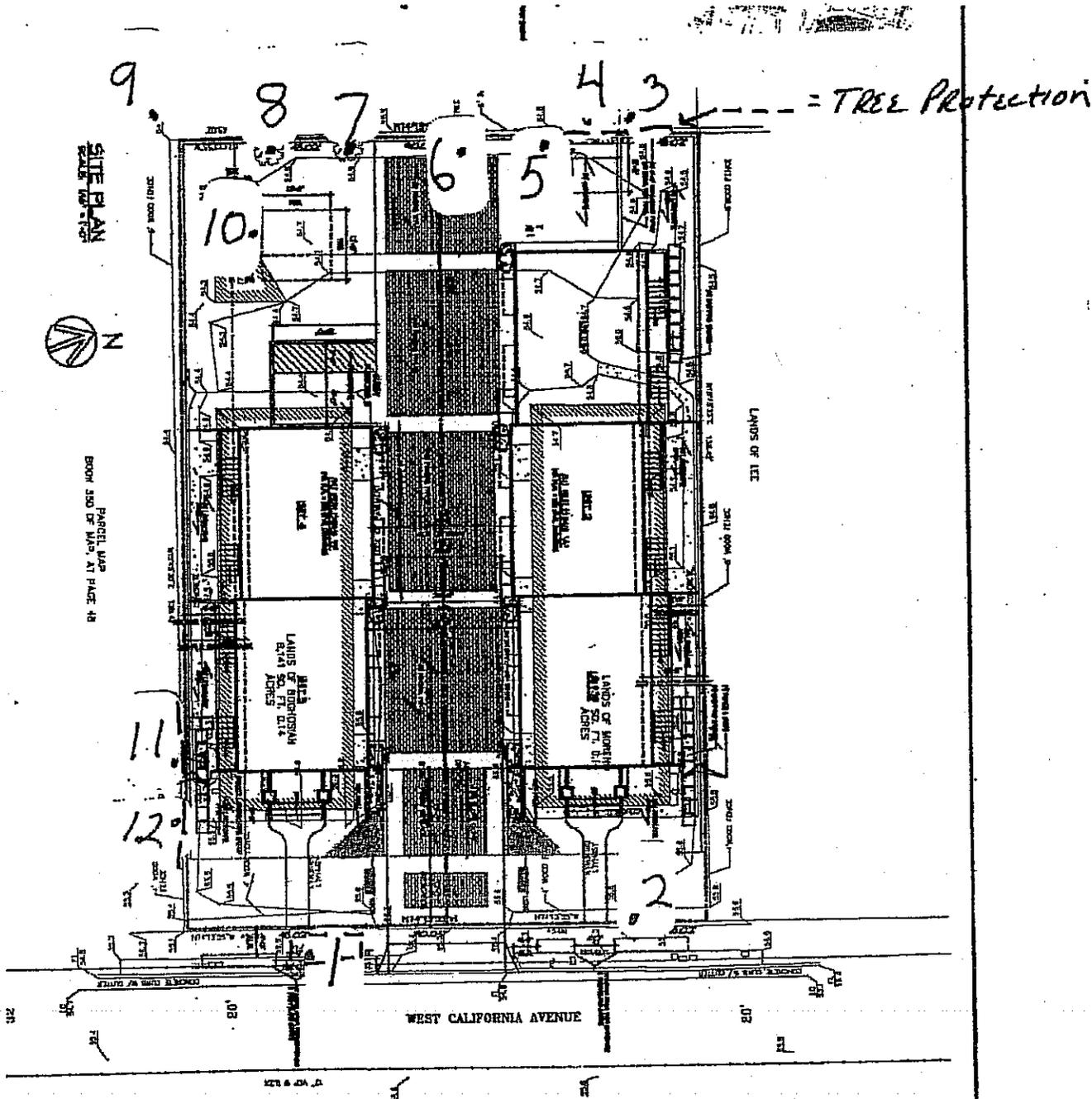
Normal irrigation should be maintained throughout the warm season months. The neighbor's live oak should not need summer irrigation unless roots are traumatized. The imported trees to this site, including the redwoods, should be watered twice a month, at a minimum, during the warm season. Mulching the root zone will help the soil to retain moisture and will improve soil structure.

This information should be kept on site at all times. The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

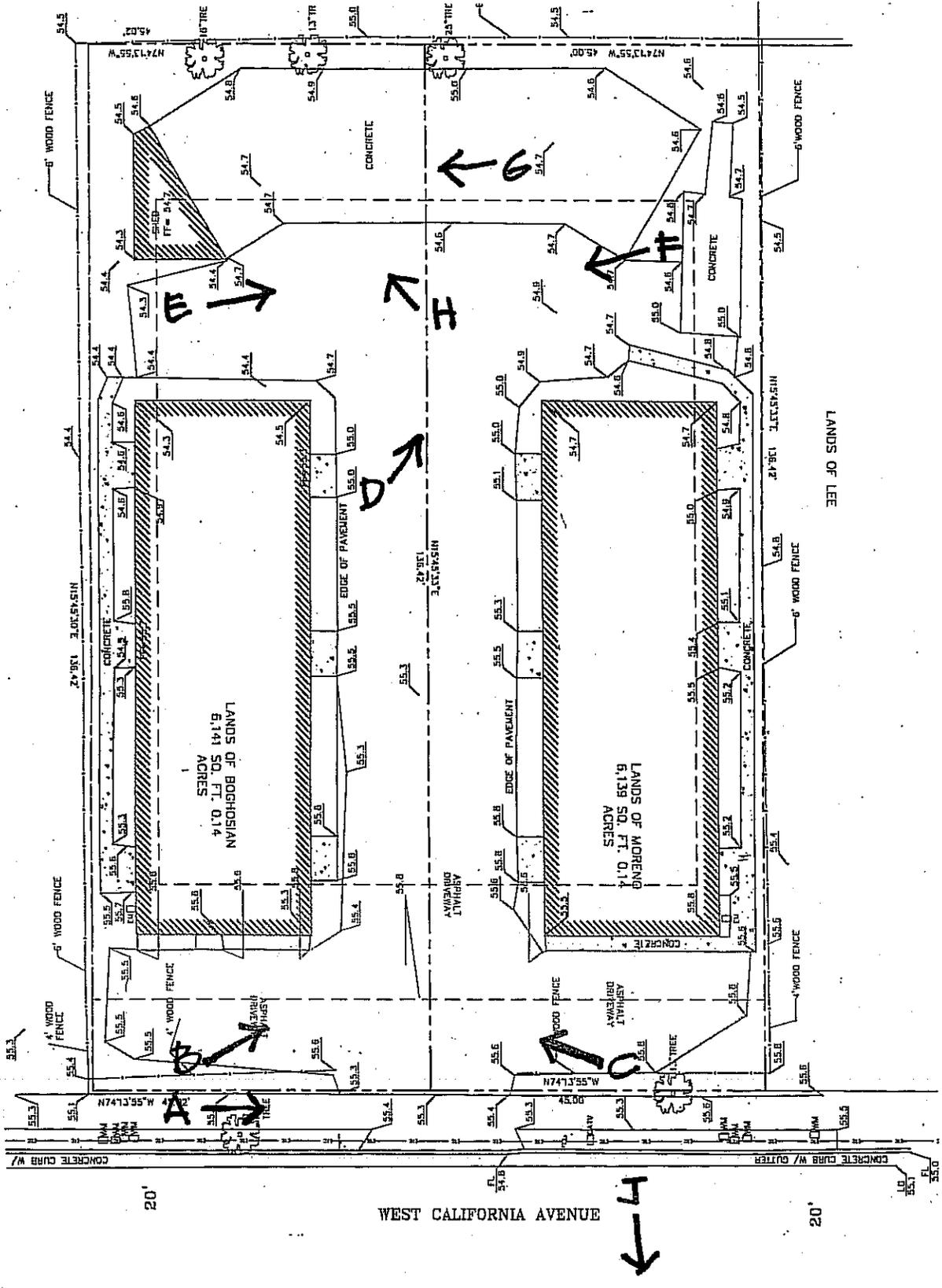




NIKOLEY TOWNHOMES
 127 W. CALIFORNIA AVE, SUNNYVALE, CA 94086

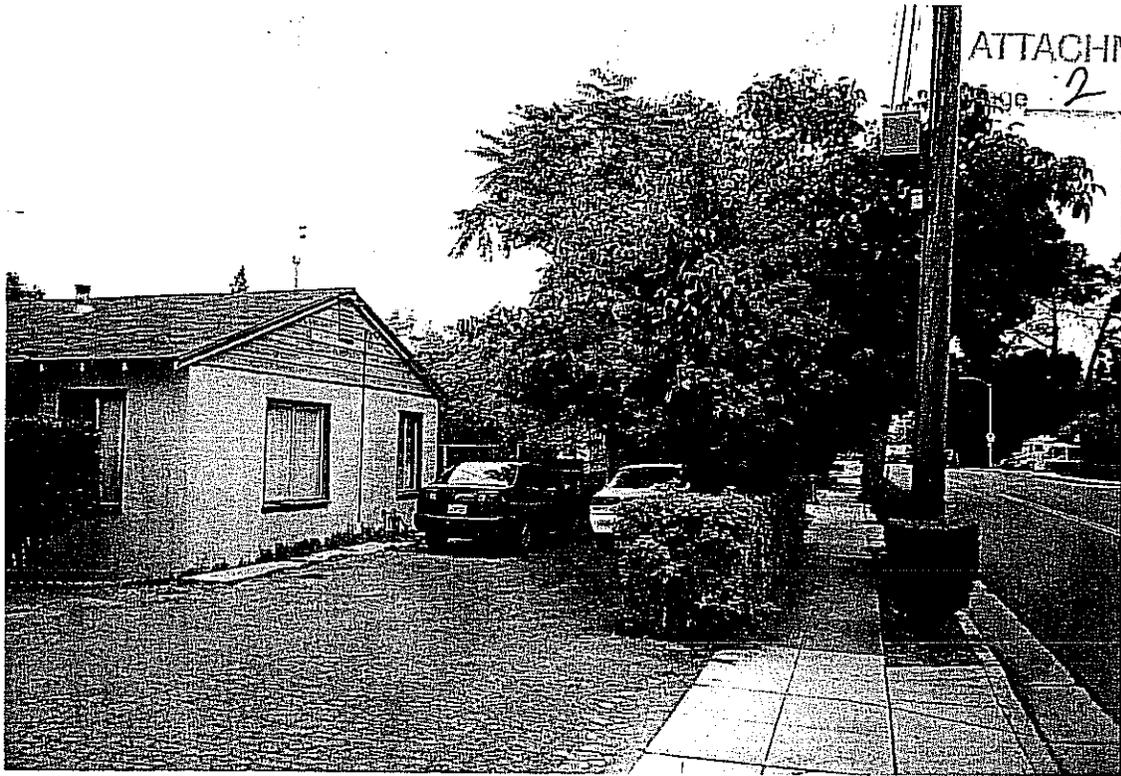
Dale Meyer Associates
 ARCHITECTURE • PLANNING • INTERIOR DESIGN
 400 JOHN JONES DRIVE, SUITE 200
 SUNNYVALE, CA 94085
 PHONE: (415) 352-0200

VICINITY PHOTO KEY



127 & 133 W. California Avenue
Sunnyvale, CA
January 17, 2007
#2640

Dale Meyer Associates
851 Burlway Road, Suite 700
Burlingame, CA 94010-1707
Ph: 650-348-5054



A



B

PHOTOS

127 & 133 W. California Avenue
Sunnyvale, CA
January 17, 2007
#2640

Dale Meyer Associates
851 Burlway Road, Suite 700
Burlingame, CA 94010-1707
Ph: 650-348-5054



C



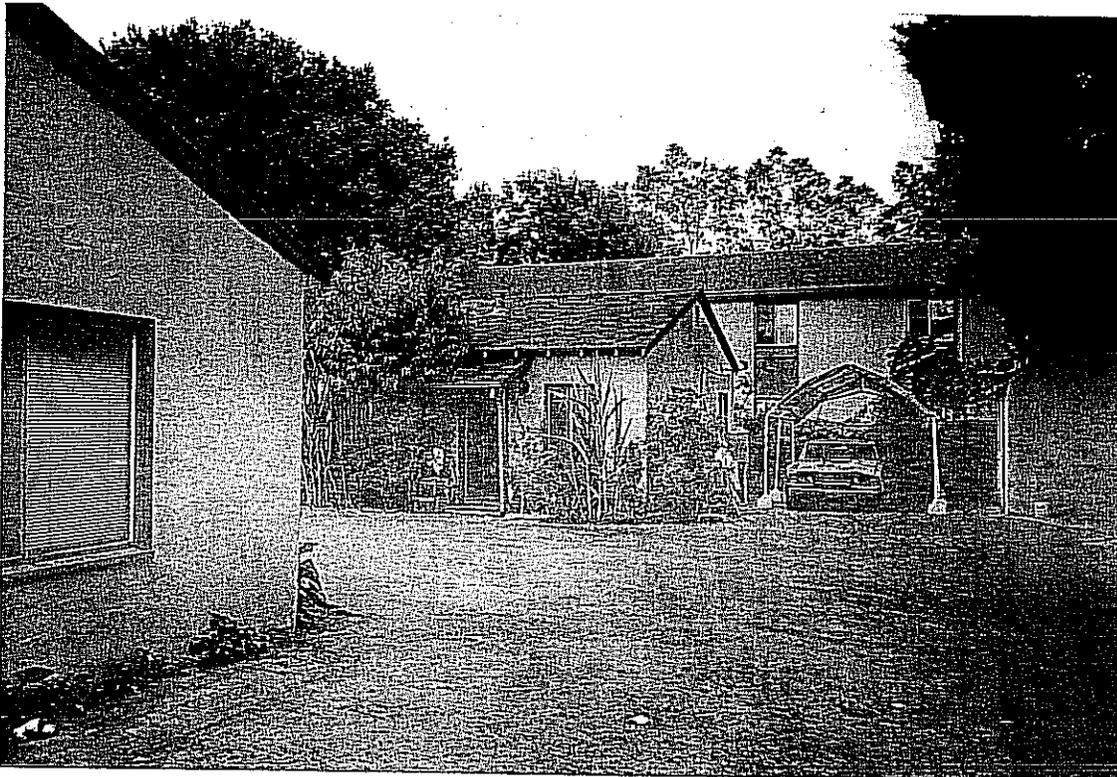
D

127 & 133 W. California Avenue
Sunnyvale, CA
January 17, 2007
#2640

Dale Meyer Associates
851 Burlway Road, Suite 700
Burlingame, CA 94010-1707
Ph: 650-348-5054



E

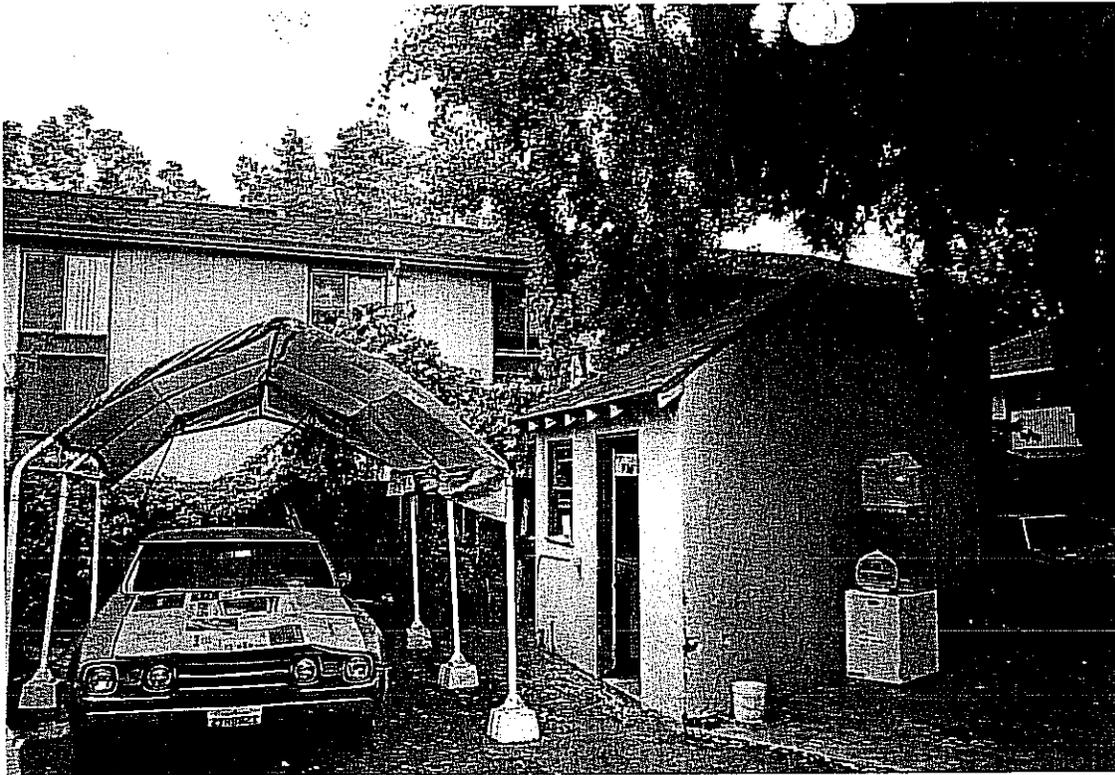


F

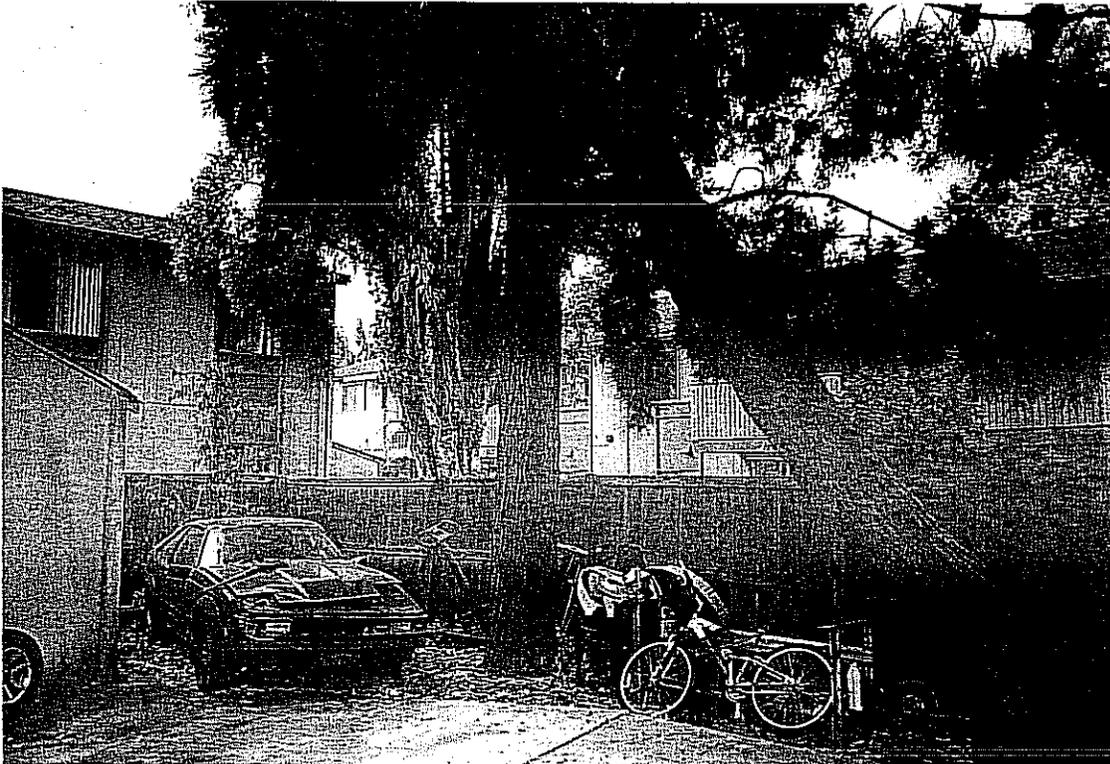
127 & 133 W. California Avenue
Sunnyvale, CA
January 17, 2007
#2640

Dale Meyer Associates
851 Burlway Road, Suite 700
Burlingame, CA 94010-1707
Ph: 650-348-5054

T F
50F6



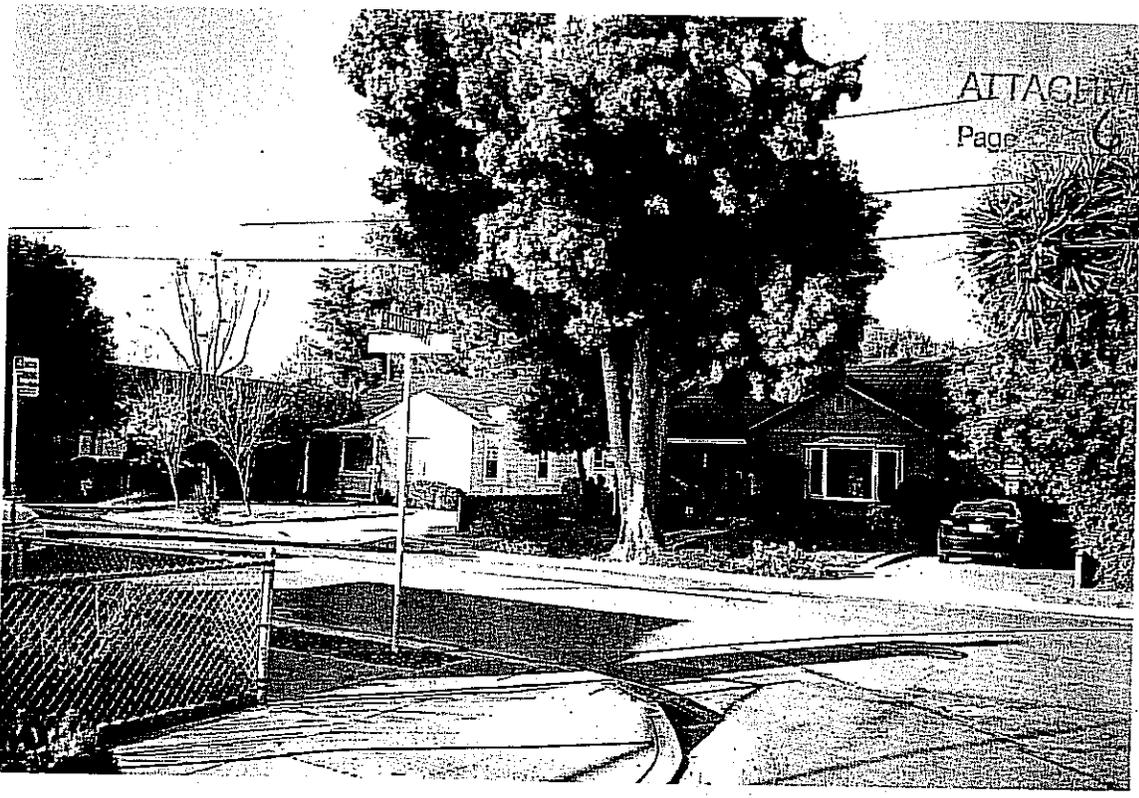
G



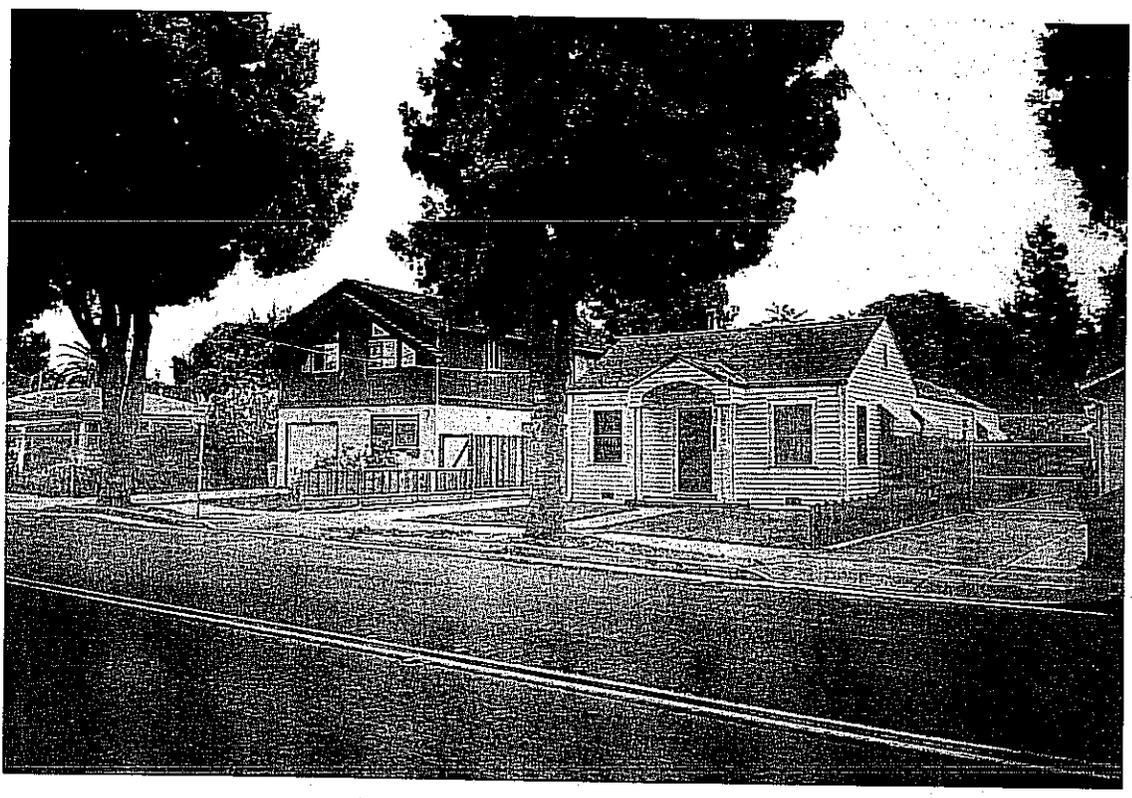
H

127 & 133 W. California Avenue
Sunnyvale, CA
January 17, 2007
#2640

Dale Meyer Associates
851 Burlway Road, Suite 700
Burlingame, CA 94010-1707
Ph: 650-348-5054



I



J

127 & 133 W. California Avenue
Sunnyvale, CA
January 17, 2007
#2640

Dale Meyer Associates
851 Burlway Road, Suite 700
Burlingame, CA 94010-1707
Ph: 650-348-5054

ATTACHMENT G
Page 1 of 1

From: "Lee, Greg" [redacted]
To: "Surachita Bose" [redacted]
CC: [redacted]
Date: 5/28/2008 8:09 AM
Subject: RE: Rezone/Special Development Permit for 127 WestCaliforniaAvenue

Dear Surachita,

Thank you very much for taking the time to show me the above-reference preliminary development plan. After reviewing, we are very concerned and see several potential issues, specifically loss of privacy, construction nuisances, noise, debris and traffic congestion.

My understanding is that the intended 2.5 story high townhouses will come very close to the common fence which means that the townhouses will look directly into our property (house and garden) not to mention significantly lower the amount of direct sun exposure we get. We are very unhappy about the thought that our private garden may in the future be overlooked by all of the second story windows of the new townhouses and in the shade of these tall buildings. Right now our garden is very private and a major asset of the property. There are several ways that this could be addressed. A higher fence could be build. The townhouses could be situated further away from the fence and their parking lot directly opposite our garden (as opposed to a town house). Large trees could be planted along the fence.

We are currently renting our property but may come back for job reasons. We are very worried that the nuisances associated with this major construction plans, and result, may drive our tenants away. One of our tenants is telecommuting from home. The excessive noises will impact her work (phone communication and teleconferencing). What are the plans to address these issues?

Also, apart from the noise, construction will generate a lot of debris and dust into our property. Again, what are the plans to address this?

Last but not least is the street parking and road congestion. There is only one side street parking on our narrow but heavy traffic street. Construction trucks and workers will take away those parking from the neighborhood residences. Also that street has a speed limit of 25 MPH but most drives go much fast than the posted limit. The construction loading/unloading will slow down the traffic and cause congestion. What are the parking plans for the final property? Doubtless the new townhouses owners will have more cars than the current residents of the property. Please let us know how this will be addressed.

-----Original Message-----

From: Surachita Bose [mailto:[redacted]]
Sent: Wednesday, May 21, 2008 9:59 AM
To: Lee, Greg
Subject: RE: Rezone/Special Development Permit for 127 WestCaliforniaAvenue

Ok, lets just meet on Thursday at 2:00 p.m. I have a meeting right after

**Draft Ordinance to be provided prior
to the Planning Commission Public
Hearing.**