



**CITY OF SUNNYVALE
REPORT
Planning Commission**

October 27, 2008

SUBJECT: **2008-0870 – Ryan Madson** [Applicant] **Cherry Garden Apartments LLC** [Owner]: Application for related proposals located at **1248 Brookfield Avenue** (near S. Knickerbocker Dr.) in R-3 (Medium Density Residential) Zoning District.

Motion **Rezone** from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District;

Motion **Special Development Permit** to convert an existing 8-unit apartment complex to 6 condominiums;

Motion **Tentative Map** to create 6 new condominium units.

REPORT IN BRIEF

Existing Site Conditions 8-unit Apartment Complex

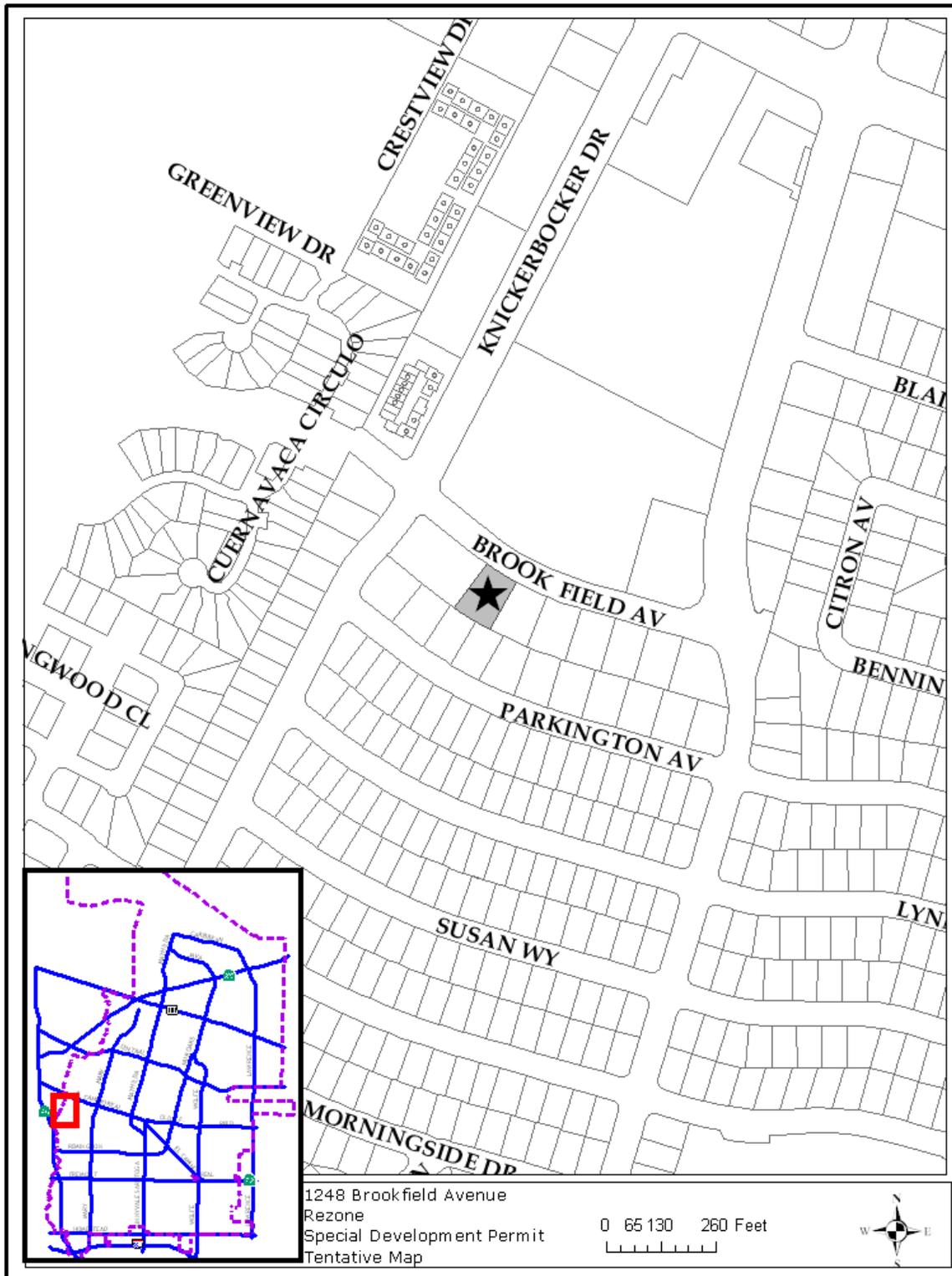
Surrounding Land Uses

North	Apartments
South	Two Fourplexes
East	Apartments
West	Apartments

Issues Site Layout, Setbacks

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Medium Density	Same	Residential Medium Density
Zoning District	R-3	R-3/PD	By Rezone
Lot Size (s.f.)	11,890	Same	8,000 min.
Gross Floor Area (s.f.)	6,961	6,954	No max.
Lot Coverage (%)	35%	36%	40% max.
Floor Area Ratio (FAR)	58.5%	58.5%	No max.
No. of Units	8	6	6 max.
Density (units/acre)	31.9 du/ac	21.6 du/ac	24 du/ac max.
Meets 75% min?	Yes	Yes	5 min.
Bedrooms/Unit	8 one bedroom units	4 one bedroom units & 2 three bedroom units	---
Unit Sizes (s.f.)	Average 870 per unit	Average 1,159 per unit	N/A
Lockable Storage/Unit	0	338 cu. Ft.	300 cu. ft. min.
No. of Buildings On-Site	3	2	---
Distance Between Buildings	5'	21'	10' min.
Building Height (ft.)	21' 2"	22'	30' max.
No. of Stories	2	2	2 max.
Setbacks (First/Second Facing the Building)			
★ Front	19'7" / 19'7"	19' 7" / 14'	20' min.
Left Side	16' 3" / 16' 3"	16' 3" / 16' 3"	6' min. (15' total) / 9' (21' total)
★ Right Side	7' 10" / 7' 10"	7' 5" / 6' 4"	6' min. (15' total) / 9' (21' total).
Rear	31' 9" / 31' 9"	22' 4" / 31' 9"	20' min. (10' for no more than 25% of rear yard)

Setbacks (First/Second Facing the Carport(s)/Trash Enclosure)			
Front	Approx. 108'	68'	20' min.
Left Side	Approx. 1'	Approx. 1'	6' min. (15' total) / 9' (21' total)
Right Side	Approx. 3'	78'	6' min. (15' total) / 9' (21' total).
Rear	Approx. 2' 6"	11'	20' min. (10' for no more than 25% of rear yard)
Landscaping (sq. ft.)			
Total Landscaping	3,005	3,525	2,550 min.
Landscaping/Unit	500.8	587.5	425 min.
Usable Open Space/Unit	1,348 / 168.5	2,649 / 441.5	2,400 / 400 min.
Frontage Width (ft.)	20'	12 - 20	15 ft. min.
Parking Lot Area Shading (%)	60%	52-55%	50% min. in 15 years
Water Conserving Plants (%)	N/A	82%	70% min.
Parking			
Total Spaces	8	10	10 min.
Accessible Spaces	0	1	1 min.
Covered Spaces	8	6	6 min.
Aisle Width (ft.)	10'	10'-12'	10' min.
Bicycle Parking	None	2 Class I	Min.
Stormwater			
Impervious Surface Area (s.f.)	8,950	8,032	N/A
Impervious Surface (%)	75%	67%	N/A

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposal is for the conversion of eight apartment units to six ownership condominium units at a density of 21.6 units per acre. The project includes an application to Rezone the site to Planned Development, which does not change the existing permitted maximum density of the site but allows the application to seek relief from specified zoning standards. The site has a General Plan Land Use designation of Residential Medium Density (RMED) and is Zoned R-3 (Medium Density Residential).

A Special Development Permit is requested for the modified design and layout of the site and a Tentative Subdivision Map is also needed to delineate the new individual property dimensions. As further described in this report, the applicant is proposing modifications to the layout including a new parking configuration and larger common landscaping and usable hardscaped areas. The existing carports will be replaced with a new carport at a different location which matches the design of the remodeled building.

Background

Previous Actions on the Site: There are no previous planning applications related to this site. The apartment complex was built in 1957.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include the divisions of multiple family residences into common interest ownership.

Rezoning

Change Under Consideration: The subject property is located within the R-3 (Medium Density Residential) Zoning District. The applicant is requesting the addition of a PD (Planned Development) Combining District requiring a Rezone to R-3/PD (Medium Density Residential, Planned Development).

Objective: This Rezoning request is being made to allow the applicant to concurrently apply for a Special Development Permit (SDP) to convert 8 apartment units into 6 ownership condominiums. The purpose of the Planned Development is to provide modifications, additions and limitations to other zoning districts in order to meet special conditions and situations. In 1998, the City Council approved guidelines for the use of PDs and SDP. The subject request for a PD meets all of the three applicable established guidelines.

- *To facilitate development or redevelopment of a site to improve the neighborhood.* The PD enables the existing apartment complex to convert to ownership units while essentially maintaining a similar layout of the existing building with various improvements to the architecture, landscaping, and open space. Additional sustainable design methods have also been introduced.
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.* The project allows the applicant to provide covered parking spaces for each unit through setback deviations, which already exist under the current layout. The proposed carports are compatible with the existing medium density projects on surrounding parcels.
- *To allow for the development and creation of lots that are less than the minimum size required in the base-zoning district.* The project is for condominium units only and does not require this standard PD deviation.

Special Development Permit

Detailed Description of Use: The proposed project consists of six ownership condominium units at a density of 21.6 units per acre. The maximum allowed density under the R-3 Zoning designation is 24 (27 with density bonus). A six unit project satisfies the housing goal of achieving at least 75 percent of the maximum allowable density (24 units/acre).

Site Layout: The site layout consists of an L-shaped multi-family unit building positioned towards west and north sides of the lot. The northwest corner of the existing apartment building encroaches into the required setback by 5 inches. All other setbacks to the main building are met. The existing carports do not meet side or rear yard setbacks as shown in the “Project Data Table” on page 3.

The proposal does not include significant modifications to the general layout of the residential building; however, newly created patio and balcony areas will project from the building. As a result, the front yard setback is reduced to approximately 14’ for this cantilevered deck area. On the first floor, an uncovered low-fenced (approx. 4’ high) private patio area is proposed for one of the units. Additional offsets from the existing building are proposed on other sides of the building as shown within the reconfigured floor plans. These locations do not create increased non-conformity with required setbacks. An external stairway will be constructed at the interior portion of the building facing the open patio. (See Floor Plans in Attachment C for more detail.) The existing plan has this stairwell located along the rear elevation of the building, positioned closer to neighboring property.

A drive aisle allows entry to the site from the northeast corner of the lot and leads to a common parking area at the rear of the site. A carport will be demolished and replaced with a new 4-space carport towards the southeast corner of the site. Two covered spaces are also proposed within the south portion of the building which is partially underneath second story living area. A new common open landscaped area is also created at the southwest corner of the lot. Pedestrian connections to the parking area are noted on the landscape plans. A connection from the enclosed patio area at the front facing unit to the public sidewalk is indicated.

Architecture: The existing apartment building was constructed in 1957. As part of the proposal, significant modifications to the façade of the building are proposed. These alterations include gabled elements at the front and side elevations. The brick façade will remain along the front of the building and a portion of the side (east elevation). Furthermore, the building is proposed to be repainted. The applicant proposes to incorporate a variety of colors to the building to improve the aesthetics and update an older facade that currently lacks any noteworthy character. The applicant proposes to replace all windows along each elevation and add trim and sill depth. Additionally, the applicant has worked with staff to improve the design of the stairwell and second story railing. Staff has included Condition of Approval 4A to work with staff to finalize a color palette for the façade of the building.

The proposed carport matches the general design and roof form of the main building. The trash enclosure, located in front of the carport, predominately utilizes brick material that is also found along the front of the main building. A wooden trellis feature above the enclosure helps softens the appearance of this structure as well as the carport elevation that is facing the public street.

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

Design Policy or Guideline (Architecture)	Comments
<p>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.</p>	<p>The proposed projections and gabled elements break up the monotonous roof form that currently exists within this 50+ year old building.</p>

Design Policy or Guideline (Architecture)	Comments
Architecture C2: In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.	The brick and stucco building style is compatible and enhances the character of the surrounding 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 proposal introduces changes in wall plane through gabled roof form along each elevation. Each side of the building will also be improved through repainting and window detailing.

Landscaping: The proposal includes significant modifications to the existing landscaping of the site. Increased landscaping will be positioned throughout the site including new area along the periphery and a larger open area at the rear southwest corner. At the center of the site, a modified landscaping layout is proposed interwoven with a common paved walkway/patio area.

The most notable change is the removal of a large Oregon ash tree located at the center of the site. This tree meets the definition of a protected tree by Sunnyvale Municipal Code. Protected trees are those that measure 38 inches or greater in circumference when measured at four and a half feet from the ground. With consultation from the City Arborist, it was determined that the tree had outgrown the site and it is recommended for removal. The new plan proposes a paved surface at this location to accommodate a new parking and drive aisle configuration. Three palm trees, not defined as “protected,” are being removed as well. A total of 13 trees of varying species will be added to the site as part of the new landscaping plan.

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

Design Policy or Guideline (Landscape)	Comments
Landscaping A4: Properly landscape all areas not covered by structures, driveways, and parking.	The site exceeds the total landscaping requirement for each unit and will provide approximately 13 new trees throughout the site.
Open Space C8. Provide direct access to common useable open space from buildings. Common open spaces shall be useable for recreational purposes.	Each unit is provided patio/balcony space. A larger common open space is also provided within the central patio and lawn area at the back of the site.

Parking/Circulation: The existing apartments were deficient in parking by providing only eight spaces (four covered) for the eight one-bedroom units. One bedroom units with carports parking require 1 covered plus .5 unassigned spaces per unit; therefore a total of 12 spaces (8 covered) were needed.

The proposal includes modifications to the parking layout of the site which enable conformance to current parking standards. The reduction in the number of units and changes to the interior floor plan layout (incl. bedroom count) results in a requirement for 10 parking spaces as shown in the chart below.

Unit #	# of Bedrooms	Required Parking (covered + unassigned)
1	3	1 + 1
2	1	1 +.5
3	1	1 +.5
4	3	1 + 1
5	1	1 +.5
6	1	1 +.5
<i>Total</i>	<i>10</i>	<i>6 covered + 4 unassigned (10 spaces)</i>

The proposal meets the required parking by providing 6 covered spaces and 4 unassigned spaces. Recently, the City Council adopted new policies and Code standards for parking management related to commercial and multi-family residential uses. To comply with recent Council actions, staff is recommending the establishment of a “Parking Management Program,” per Condition of Approval #9A, to ensure maximum efficiency of the parking supply on-site.

As noted in the site layout section of the report, the configuration of the driveway is also modified. To ensure adequate emergency vehicle access to the site, Condition of Approval #12C requires that the first 15 feet of curb along the drive aisle from Brookfield Avenue shall be painted red.

Bicycle Parking: Multi-family residential developments of five or more units are required to have secured bicycle parking at a ratio of one secured bicycle parking space for every four units, but no fewer than four spaces. To meet VTA Guidelines two Class I and two Class II are required. The project provides 4 secured bicycle lockers (Class I) on-site. Staff finds that the additional lockers meet the intent of VTA Guidelines.

Required Storage: Sunnyvale Municipal Code 19.38.040 requires multi-family residential projects to provide a minimum of 300 cubic feet of separate, lockable, and weatherproof storage space. These storage areas are proposed adjacent to the carport areas as well as adjacent to covered parking areas within the main building.

Stormwater Management: This project does not require compliance with the Stormwater Management requirements since the project is not disturbing more than 10,000 s.f. of area. The project voluntarily will incorporate a number of stormwater control measures such as a covered dumpster area (drain to sanitary sewer), beneficial landscaping (minimizes irrigation, runoff, pesticides and fertilizers; promotes treatment), outdoors material storage protection, and reduced overall impervious surface.

Green Building Features: The project would be subject to providing the applicable Build It Green Checklist, as defined as a remodel of a multifamily residential use, per the newly adopted framework by the City Council. Condition of Approval #1E states that the applicant shall provide a “Multifamily GreenPoint Rated checklist” available from Build It Green. The project includes a variety of measures that are considered green building design methods such as:

- Re-use/remodel of an existing building
- Increasing outdoor gathering area
- Natural ventilation
- Protection of soil, vegetation and water during construction
- Construction and demolition waste management
- Water heater replacement (higher energy equipment)
- Water efficient fixtures
- Window replacement that improves energy efficiency (low emittance glazing)
- Durable siding and drainage planes
- Quality installation of insulation
- Sustainable landscaping through species selection and appropriate placement

The applicant has also expressed the desire to explore and implement additional green building techniques including; engineered lumber, photovoltaic systems, recycled paint, low emitting flooring, recycled aggregate and many other construction methods and materials. Future solar panel locations are shown along the roof line of the east elevation of the provided plans.

Condominium Conversion Requirements: In addition to State law which requires certain protections for existing tenants and future owners, this application is subject to specific SMC requirements found in §19.70.050. These requirements include tenant protection provisions, right to purchase requirements, notice of terminating leases, etc. In general, the provisions do not require payment to relocate tenants or payment of any portion of tenant leases. The project will comply with all the following conversion requirements.

Minimum conversion requirements include:

- (a) Prohibition of Discrimination against Prospective Buyers with Children;
- (b) Tenant Protections (such as preemptive right to purchase, extension of tenancy, and right to terminate lease);
- (c) Buyer Protection (Property report, Structural pest report, Building history report, Soils report, and Statement of compliance from the California Real Estate Department);
- (d) Site Improvements and Amenities:
 - (1) Minimum of 300 cubic feet of weatherproof, lockable storage space for each unit, which may be substituted by garage space.
 - (2) Individual washing machines and dryers hookups in each unit, unless new common facilities provided.
 - (3) Underground all utilities to the nearest off-site pole.
 - (4) Off-street parking provided as required by Chapter 19.46.
 - (5) Fire prevention and building safety standards met (wall and floor/ceiling assemblies compliant with fire wall separation standards, sound insulation performance criteria, and smoke detectors for each unit).
 - (6) Utility distribution system modifications (separately metered Gas and electric service, and water service for community housing projects).
 - (7) Utility safety devices (water shutoff valves and accessible electric panels) provided for each unit:
 - (8) Shock mounted or isolated appliances to minimize vibration or noise.
 - (9) All major appliances guaranteed for one year.
 - (10) Compliance with all building, fire, housing, subdivision and zoning Codes.

Compliance with Development Standards/Guidelines: The project meets most development standards with the exception of the following:

Requested Deviations	Justifications
<ul style="list-style-type: none"> • 1' side yard setbacks for carport and trash enclosure' where 6' is the minimum required • Second story front yard setbacks of 14' where 20' is required for new cantilevered balcony 	<ul style="list-style-type: none"> • Recognize that deviations in similar townhome style developments are typical, particularly for building setbacks • Original carports (to be demolished) did not meet side or rear setbacks • Architectural enhancements improve visual aesthetics of the site • Project makes effective reuse of an existing development • Project exceeds landscaping and open space requirements • Overall project meets lot coverage • The project will provide additional ownership housing, including smaller units • "Green Building" design enhancements

Sunnyvale Municipal Code Section 19.70 .075 specifies that no more than 175 units shall be converted within a twelve month period unless a specific finding can be made. There has been one approved conversion of rental units to ownership (2 unit conversion at 866 E. Evelyn Ave) within the previous 12 months.

Expected Impact on the Surroundings: The project results in a reduction of units; therefore no increase in traffic will result from the project. Noise impacts should be limited to the initial construction phase of the project. A visual impact will result from the loss of the significant tree located at the center of the site. The proposed improvements to the architecture and landscaping will improve the aesthetics of the site considerably from the street as well as internally within the site.

Tentative Map

General: The proposed project requires the subdivision of the existing eight unit apartment complex to 6 condominium units, or air space lots, and one common lot. The proposed project meets the required minimum lot size (8,000 sq. ft.) in the R-3 Zoning District.

Access: All 6 units will obtain vehicular access from a single, one-way driveway located at the northeast corner of the site. Utilities will also be placed underground in the common lot via a public utilities easement. Staff is

recommending as a Condition of Approval that a maintenance agreement shall be recorded with the Tentative Map.

Fiscal Impact

Transportation Impact Fee

There would be no net increase in the trip generation at this site; therefore, no Traffic Impact Fees will be required for this project.

Park Dedication Fee

This project is not subject to Park Dedication Fees since it is a conversion to condominium units from existing rental units.

Public Contact

Staff has not received any written comments from the public related to the project.

<p>Notice of Negative Declaration and Public Hearing</p>	<p>Staff Report</p>	<p>Agenda</p>
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 72 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 proposed conversion provides numerous benefits to the City, including increased home ownership opportunities, improved architecture and increased landscaping and usable open space for the individual units as well as shared areas. Such improvements can greatly enhance the appearance of the site and create an impetus to promote similar improvement within the surrounding neighborhood. Additional green building design techniques, as described earlier, are also incorporated into the project. Staff finds adequate justification to approve the requested deviations with the Conditions of Approval.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit, Recommended Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Introduce an Ordinance to Rezone 1248 Brookfield Ave from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map with the attached conditions.
2. Introduce an Ordinance to Rezone 1248 Brookfield Ave from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Do not introduce an Ordinance to Rezone 1248 Brookfield Ave from R-3 to R-3/PD and deny the Special Development Permit and Tentative Map.
4. Direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1 to the City Council.

Reviewed by:

Trudi Ryan, Planning Officer
Prepared by: Ryan M. Kuchenig, Project Planner

Reviewed by:

Hanson Hom, Director, Community Development

Approved by:

Amy Chan
City Manager

Attachments:

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

Recommended Findings - Rezone

In order to approve a Rezoning request the City Council is required by Zoning Code Section 19.92.050 to make a finding that "the amendment, as proposed, changed, or modified, is deemed to be in the public interest." The proposed Rezoning is consistent with this finding because it is consistent with the proposed General Plan land use designation and assists the City in meeting its housing goals by adding six condominium ownership units.

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Housing and Community Revitalization Sub-Element

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

The proposal meets this goal with six housing units, where 55 units would be the 75 percent minimum allowed.

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 multi-family style of housing is compatible with the adjacent uses and the architectural design of the development will enhance the 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.*

The project provides additional ownership opportunities within a multi-family style of residential development. The proposal meets this goal with four one-bedroom and two three-bedroom units.

Land Use and Transportation Element

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

The development provides an additional six ownership housing units where the project is currently situated within a medium and density housing neighborhood, as well as commercial uses.

Community Design Sub-Element

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

The proposed architecture incorporates high quality design with and significant improves the visual appearance of the site.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project (*Finding Met*). The proposed conversion of apartments to condominium units, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses, and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the proposed R-3 Zoning District and supports a land use that is compatible with the neighborhood. The proposed project will create six ownership units and is consistent with the goals and policies of the General Plan.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. The proposed improvements to the architecture meet the City-Wide Design Guidelines, and will further encourage improvement to the surrounding neighborhood without causing and incompatibility to nearby residential commercial uses.

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. 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.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- E. Provide a completed "Multifamily GreenPoint Rated" checklist from Build It Green indicating sustainable design features that are incorporated into the project.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

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

3. CC&R's (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 developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs)

relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&R's created for this project.

- C. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- D. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- E. 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.
- F. 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.
- G. The Conditions of Approval of this Special Development Permit and Tentative Map shall be incorporated into the CC&R's as an exhibit or attachment.
- H. The CC&Rs shall contain the following language:
- I. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.
- J. 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.

- K. 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.
- L. 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.
- M. 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.
- 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."
- O. The homeowner's association is the responsible party to enforce the following operational conditions:
 - 1. Enforcement of the "Parking Management Plan" as specified in the in Condition of Approval #9
 - 2. Garages are to be used as the primary parking spaces for residents.
 - 3. The Homeowner's Associations shall determine the definition and parking timeframes of a guest.
 - 4. Residents cannot occupy unassigned spaces for more than 48 hours.
 - 5. No parking spaces shall be offered for rent by the property owners or homeowners association.
 - 6. Responsibility for the roof and driveway is included as part of the common area to be maintained by the Homeowner's Association.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. 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.

5. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features.

6. 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. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a “vision triangle”

7. 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.
- B. The final design, color, and placement of all hardscape shall be approval by the Director of Community Development and shall be in substantial conformance with the approved plans.
- C. Provide separate meter for domestic and irrigation water systems.
- D. 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.
- E. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- F. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department.
- G. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- H. All areas not required for parking, driveways or structures shall be landscaped.

8. LIGHTING

- 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 not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
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. Wall packs shall not extend above the roof of the building.
6. Lights shall have shields to prevent glare onto adjacent residential properties.
7. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
8. Pole heights not to exceed 8 feet.
9. Installation of lights at a minimum of 50 feet intervals along all private streets.

9. PARKING

- A. A Parking Management Plan shall be developed. The Parking Management Plan should describe how the homeowner's association will meet the following requirements:
 1. Give 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.
 2. Specify that 25% - 75% of unassigned spaces be reserved for guest use only, at the discretion of the homeowners association.
 3. Note that property owners and HOA's cannot rent unassigned spaces, except that a nominal fee may be charged for parking management.
 4. Require tenants to use their assigned parking spaces prior to using the unassigned parking spaces.
 5. Confirm the responsibility of the homeowner's association to enforce provisions of the parking management plan.

6. Require tenants to maintain assigned spaces for parking of automobiles and motorcycles (RVs, trailers, boats, etc. are prohibited).
7. Clearly notify potential residents of the number of parking spaces provided for each unit on-site in order to reduce overuse by specific residents.

10. BICYCLE PARKING

- A. Provide 2 Class I and 2 Class II (or 4 Class 1) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

11. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- C. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.
- D. Trash enclosures, within five feet of building exterior walls or overhangs require fire sprinkler protection (16.52.250 SMC).

12. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.
- C. The first 15 feet of the drive aisle on-site shall be painted red for a fire access road.

13. UNDERGROUND UTILITIES

- A. All existing and 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.

14. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on Tentative 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.

THE MADSON PROJECT

1248 BROOKFIELD AVE.
SUNNYVALE, CALIFORNIA
94087

PROJECT TEAM

ARCHITECT

WILLIAM MASTON ARCHITECT & ASSOC'S.
384 CASTRO STREET
MOUNTAIN VIEW, CALIFORNIA 94041
PH: (650) 968-1800
FAX: (650) 968-4915

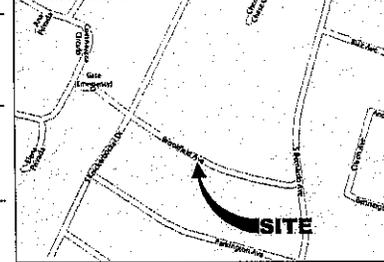
CIVIL

GILLIAN & KULL, INC.
4880 STEVENS CREEK BLVD, SUITE 205
SAN JOSE, CALIFORNIA 95129
PH: (408) 615-4000
FAX: (408) 615-4004

LANDSCAPE

FAUBION DESIGN
P.O. BOX 6858
AUBURN, CA 95604
PH: (530) 788-1860

VICINITY PLAN



PROJECT DATA

APN 198-15-013
PROPERTY OWNER CHERRY GARDEN APARTMENTS, LLC
P.O. BOX 26101
SAN FRANCISCO, CA 94126
PROPERTY ADDRESS 1248 BROOKFIELD AVE.
SUNNYVALE, CA 94087
ZONING DISTRICT RS
EXISTING USE 8 UNIT APARTMENT
NUMBER OF STORIES 2

DESCRIPTIONS	EXISTING	ALLOWABLE	NEW
LOT SIZE	18820*	82000* MIN.	118920*
DENSITY	1 UNIT, 1480*	1 UNIT/8800* (MAX)	1 UNIT/5892*
SETBACK			
MAIN BLDG FRONT	19'-1"	20'-0"	19'-1"
MAIN BLDG REAR	31'-9"	20'-0"	22'-4"
MAIN BLDG SIDE			
1ST STORY	16'-3 7/16'-10'	6'-0" (15' TOTAL)	16'-3 7/16'-10'
2ND STORY	16'-3 7/16'-10'	9'-0" (21' TOTAL)	16'-3 7/16'-10'
		(24'ABLE & 6'-9")	
CARPENTRY FRONT	107'-6"	20'-0"	27'-8"
CARPENTRY REAR	2'-1"	20'-0"	11'-2"
CARPENTRY SIDE	11'-3 7/16'-11"	6'-0" (15' TOTAL)	5'7 1/3'-11"
BUILDING HEIGHT	21'-2"	30'-0"	22'-0"
LANDSCAPING	3025*	425*ANIT	3575.35*
	(75.3%)	(2.550* TOTAL)	(75.7%)
OPEN AREA	1348*	4029*ANIT	2649.65*
SITE COVERAGE		(2.420* TOTAL)	
MAIN BUILDING	3020*		3372.20*
CARPENTRY	105*		518.98*
TOTAL LOT	4181*	4.756*	4241.8*
COVERAGE	(75.2%)	(4.02%)	(75.1%)
PAVING	4698*	--	423.46*
PARKING	8 COVERED 8 UNASSIGNED	6 COVERED 4 UNASSIGNED	6 COVERED 4 UNASSIGNED
FLOOR AREA		DIFFERENCE	
CARPENTRY/STORAGE	1181*	-156*	1337*
FIRST FLOOR	2583*	-215*	2774*
SECOND FLOOR	2797*	-50*	2847*
TOTAL FLOOR	6984*		6924*
AREA			

DRAWING INDEX

A0.01 COVER SHEET, PROJECT DATA, VICINITY MAP, SHEET INDEX & RENDERED PERSPECTIVES

A0.02 GRAPHIC & QUANTITATIVE CALCULATIONS

CIVIL

1 (E) SITE PLAN

TENTATIVE MAP

1 TENTATIVE MAP FOR 8 UNIT CONDOMINIUM

CONVERSION (SITE MAP)

2 TENTATIVE MAP FOR 6 UNIT CONDOMINIUM

CONVERSION (UNIT MAP)

ARCHITECTURAL

A1.01 (E) & (N) SITE PLANS

A1.02 (E) & (N) 1ST FLOOR AND 2ND FLOOR (1/8" SCALE)

A1.03 (N) ROOF CARPENTRY & CARPENTRY ROOF PLANS (1/8" SCALE)

A5.01 (E) & (N) EXTERIOR ELEVATIONS (1/8" SCALE)

A5.02 (N) NORTH & WEST EXTERIOR ELEVATIONS

A5.03 (N) SOUTH & EAST EXTERIOR ELEVATIONS

A5.04 (N) CARPENTRY EXTERIOR ELEVATIONS

A5.05 FRONT RENDERING & REAR RENDERING

A5.06 (E) PHOTOGRAPHIC DISPLAY

LANDSCAPE

1 LANDSCAPE PLAN

2 IRRIGATION PLAN

SCOPE OF WORK

TO REMODEL (E) 8 APARTMENT UNITS AND CONVERT THEM INTO 8

CONDOMINIUM UNITS, DEMO AND RELOCATE (E) CARPENTRY AND TO

UPDATE THE FACADE.



REVISION	BY
1	WMA
2	WMA
3	WMA
4	WMA
5	WMA
6	WMA
7	WMA
8	WMA
9	WMA
10	WMA

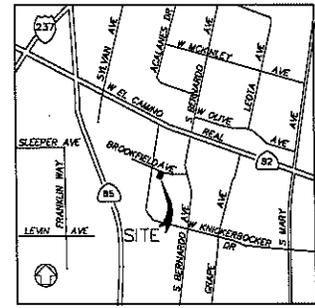
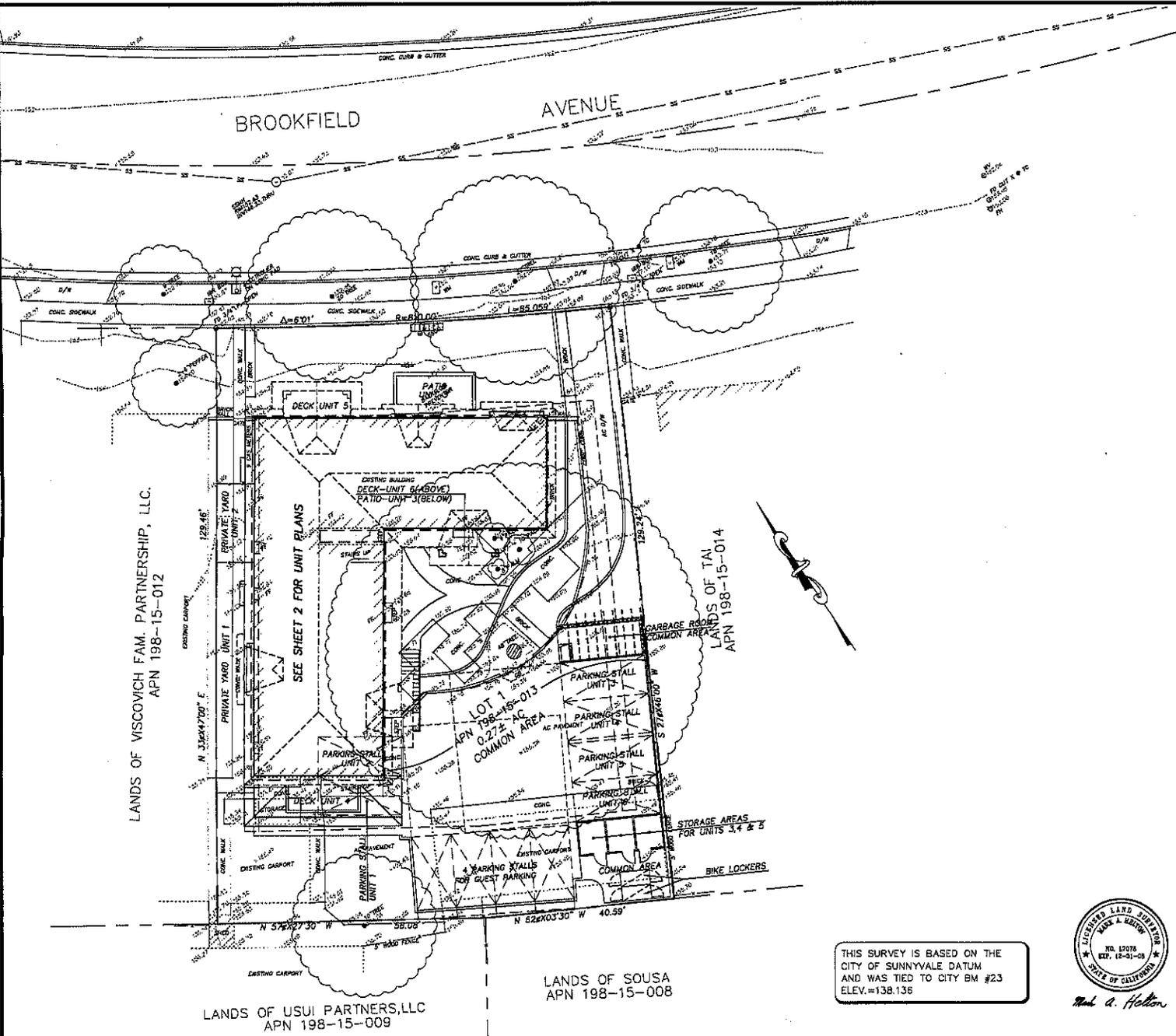
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WILLIAM MASTON ARCHITECT & ASSOCIATES
ARCHITECTS ASSOCIATES
1248 BROOKFIELD AVE.
SUNNYVALE, CA 94087
PH: (650) 968-1800
FAX: (650) 968-4915

MADSON PROJECT
1248 BROOKFIELD AVE.
SUNNYVALE, CA 94087

TITLE, PROJECT DATA,
VICINITY MAP AND
INDEX

DATE	5/5/2008
SCALE	NONE
SHEET	CCP
JOB	PHD 030808
SHEET	A0.01
OF	1

Page 1 of 1
13



VICINITY MAP
N.T.S.

TENTATIVE MAP NOTES

OWNER/SUBOWNER: RYAN MADSON
P.O. BOX 28702
SAN FRANCISCO, CA 94126

LAND SURVEYOR: GULLIAN & KULL, INC.
4800 STEVENS CREEK BLVD, SUITE 205
SAN JOSE, CA 95128
MARK A. HELTON LS 7078

AREA: 0.924 AC
EXISTING ZONING: R3 RESIDENTIAL
PROPOSED ZONING: R3-PD RESIDENTIAL
NUMBER OF LOTS: 7 (6 UNITS & 1 COMMON AREA)

BENCH MARK: CITY BM # 23 ELEV.=138.136

NOTES:
1) THERE ARE NO WELLS ON THIS SITE.
2) THERE ARE NO PUBLIC AREAS PROPOSED.
3) THERE ARE NO SEPTIC TANKS.

LEGEND

- PROPERTY LINE
- BUILDING FOOTPRINT
- TREE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- JOINT POLE
- SANITARY MANHOLE
- SANITARY CLEANOUT
- CONTOUR LINE
- CONC. CURB & GUTTER
- CATCH BASIN
- WATER LINE (APPROX LOCATION)
- STORM DRAIN LINE (APPROX LOCATION)
- SANITARY SEWER LINE (APPROX LOCATION)
- RETAINING WALL
- FENCE LINE
- EDGE OF PAVEMENT

THIS DRAWING REPRESENTS A TOPOGRAPHIC SURVEY PREPARED IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT. THE PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND REPRESENT THE BEST GRAPHICAL FIT BETWEEN RECORD INFORMATION AND THE TOPOGRAPHICAL FEATURES SURVEYED AND SHOULD NOT BE RESED UPON OR USED FOR ANY OTHER PURPOSES. PURSUANT TO THE CLIENT'S DIRECTION, A BOUNDARY SURVEY WAS NOT PERFORMED AT THIS TIME WHICH MAY HAVE DETERMINED THE ACTUAL PROPERTY LINES.



Mark A. Helton

THIS SURVEY IS BASED ON THE CITY OF SUNNYVALE DATUM AND WAS TIED TO CITY BM #23 ELEV.=138.136

LANDS OF VISCOVICH FAM. PARTNERSHIP, LLC.
APN 198-15-012

LANDS OF USUI PARTNERS, LLC
APN 198-15-009

LANDS OF SOUSA
APN 198-15-008

LANDS OF TAI
APN 198-15-014

SCALE	1"=10'
SHEET	1
DATE	6/28/08
DESIGNED BY	M.K.
DRAWN BY	M.K.
CHECKED BY	M.K.

GK Gullian & Kull, Inc.
Engineers & Land Surveyors
4800 Stevens Creek Blvd, Suite 205, San Jose, CA 95128
(408) 615-4000 Fax (408) 615-4004
Albany • San Jose • Oakland

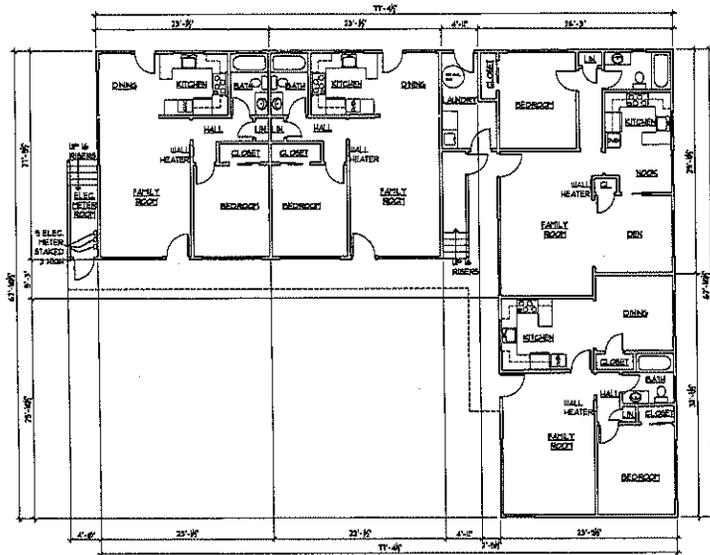
1248 BROOKFIELD AVENUE
SUNNYVALE, CALIFORNIA

TENTATIVE MAP FOR 6 UNIT
CONDOMINIUM CONVERSION

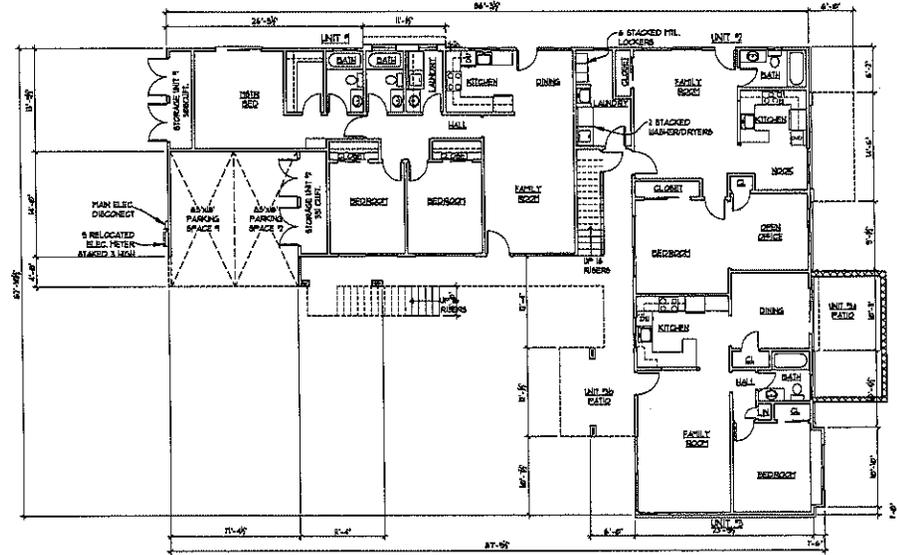
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SHEET	2
DATE	6/28/08
JOB NO.	08106

Page 2 of 13

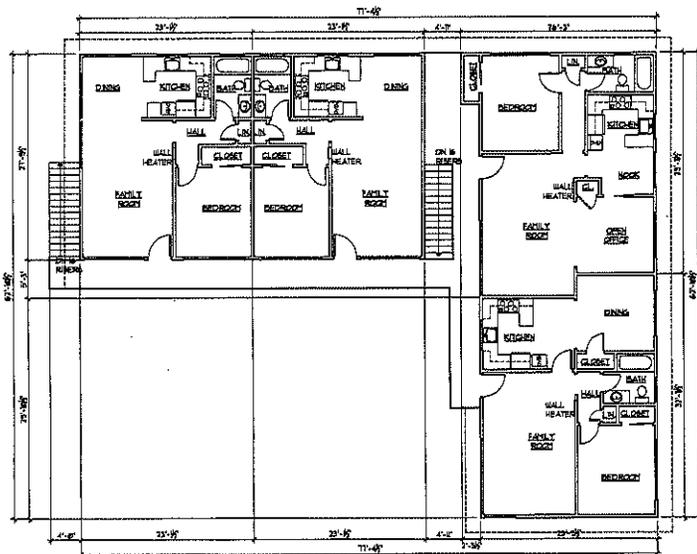
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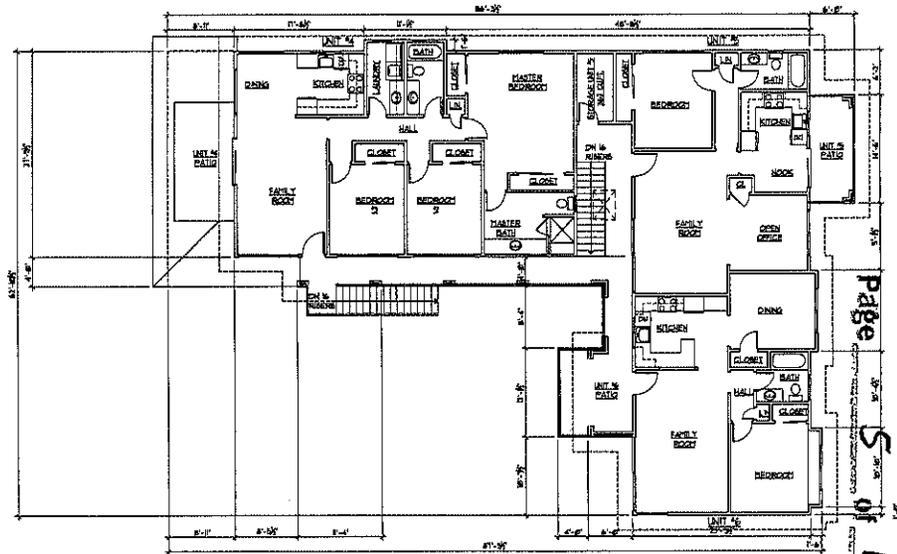
(E) FIRST FLOOR PLAN
1/8" = 1'-0"



(N) FIRST FLOOR PLAN
1/8" = 1'-0"



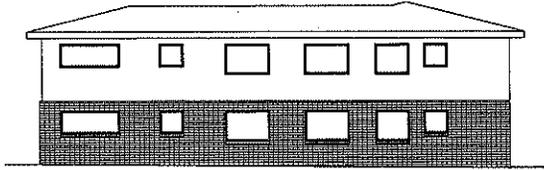
(E) SECOND FLOOR PLAN
1/8" = 1'-0"



(N) SECOND FLOOR PLAN
1/8" = 1'-0"

REVISION	BY
TRC COMPONENTS	001
02/2008	
TURNBULL MASON ARCHITECTS & ASSOCIATES 244 GARDEN STREET, SUITE 100 SUNNYVALE, CA 94087 (415) 352-7888 (415) 352-7889	
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MADSON PROJECT 1248 BROOKFIELD AVE. SUNNYVALE, CA 94087	
(E) & (N) 1ST & 2ND FLOOR PLANS	
A2.01	
SHEETS	

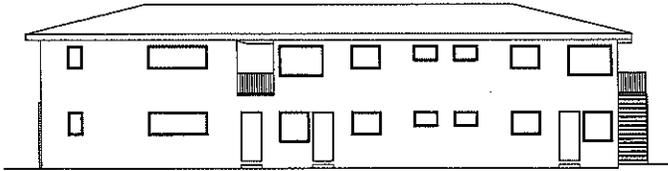
Page 5 of 13



(E) FRONT ELEVATION
1/8" = 1'-0"



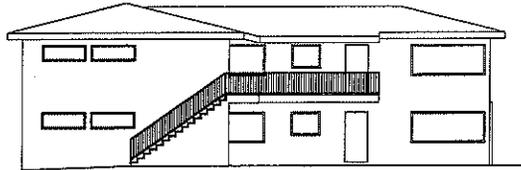
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1/8" = 1'-0"



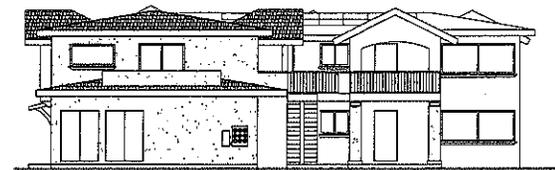
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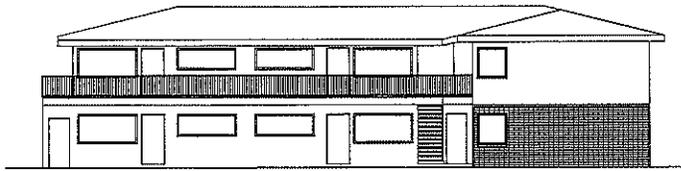
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1/8" = 1'-0"



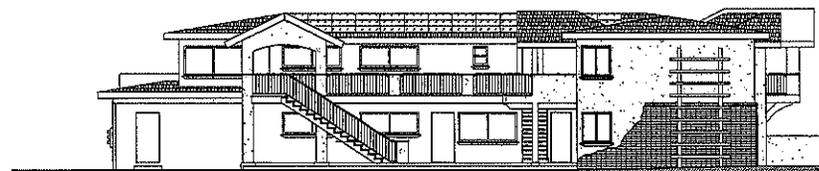
(E) REAR ELEVATION
1/8" = 1'-0"



(N) REAR ELEVATION
1/8" = 1'-0"



(E) SIDE ELEVATION
1/8" = 1'-0"



(N) SIDE ELEVATION
1/8" = 1'-0"

NOTE:
SEE THE 1/4" SCALE PLAN ON SHEETS A5.01 & A5.02 FOR DETAIL AND MATERIAL NOTES.

REVISION	BY

WELBACH BERNDT
ARCHITECTS ASSOCIATES
204 Canal Street, Suite 100
San Francisco, CA 94102
(415) 774-2200

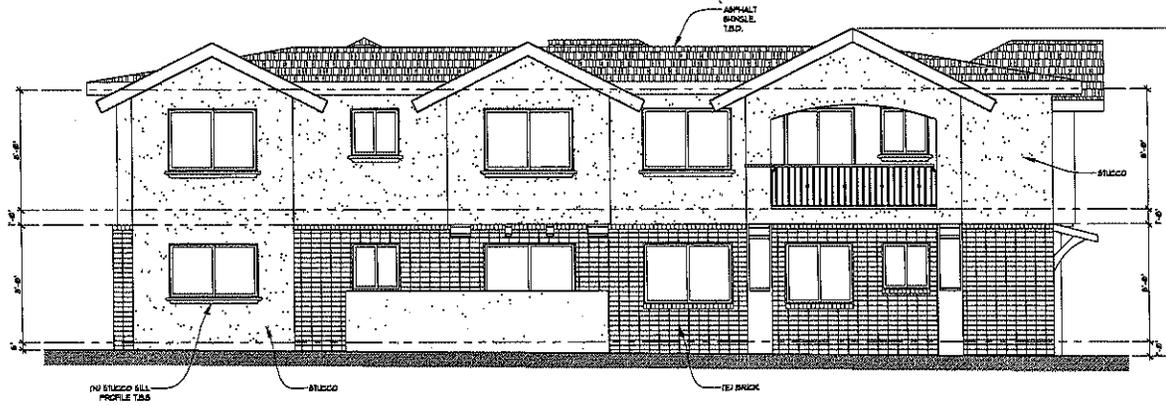
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MADSON PROJECT
1248 BROOKFIELD AVE.
SUNNYVALE, CA 94087

(E) AND (N) ELEVATIONS

DATE	DESIGNED
SCALE	1/8" = 1'-0"
DRAWN	CS
JOB	MADSON
SHEET	A5.01
TOTAL SHEETS	10

ATTACHMENT
Page 7 of 13



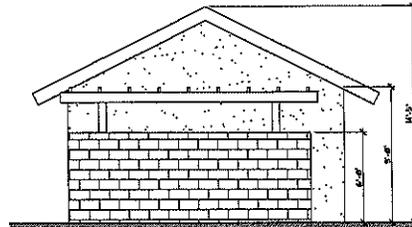
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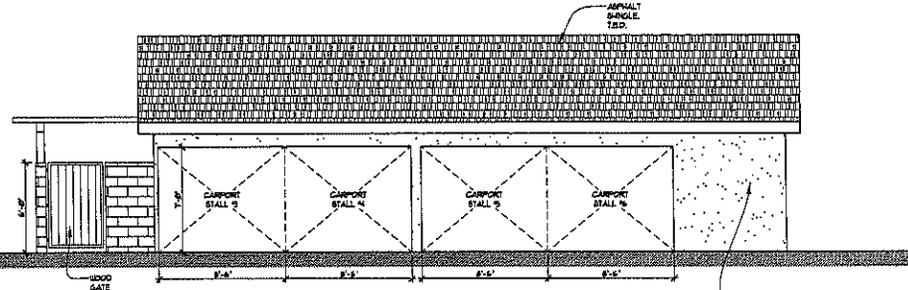
(N) SIDE ELEVATION
1/4" = 1'-0"

ATTACHMENT
 Page 8 of 13

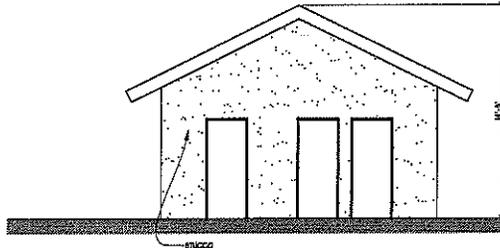
REVISION DATE BY	12/15/2004 JAC
WILHELM BERLIN ARCHITECTS & ASSOCIATES <small>244 South Street Los Angeles, CA 90012 (213) 480-2200</small>	
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(N) ELEVATIONS	
DATE	04/15/2004
SCALE	1/4" = 1'-0"
DRAWN	JAC
JOB	MAD STUCCO
BY	A5.02



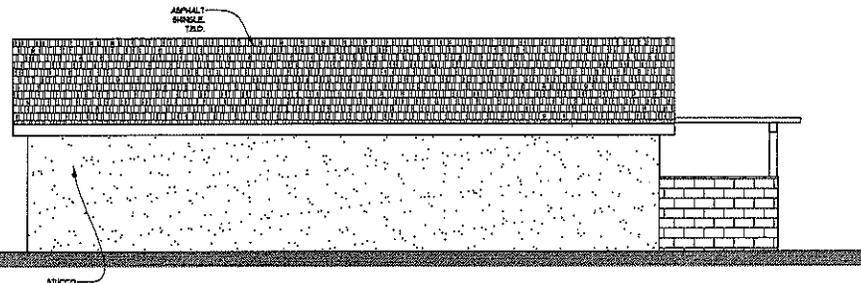
**(N) FRONT CARPORT ELEV.
(GARBAGE ENCLOSURE)**
1/4" = 1'-0"



**(N) SIDE CARPORT ELEV.
CARPORT ELEVATION**
1/4" = 1'-0"



**(N) REAR
CARPORT ELEVATION**
1/4" = 1'-0"



**(N) SIDE
CARPORT ELEVATION**
1/4" = 1'-0"

ATTACHMENT
 Page 10 of 13

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DRG COPPER	CC
12/2/2008	
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(N) CARPORT ELEVATIONS	
DATE	DESCRIPTION
SCALE	DATE
DRAWN	CCP
CHKD	CCP
DATE	BY
A5.04	
OF	SHEETS



FRONT RENDERING
N.T.S.



REAR RENDERING
N.T.S.

Page 11 of 13
ATTACHMENT

REVISION	BY
DATE	DATE
SCALE	SCALE
PROJECT	PROJECT
SHEET	SHEET
A5.05	

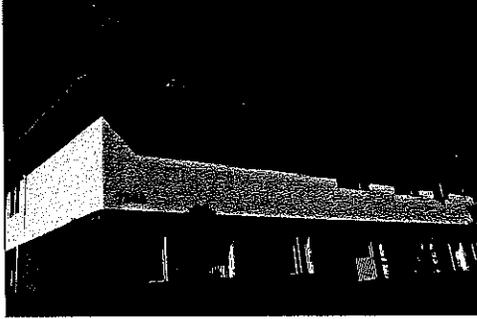
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 WILLIAM MADSON ARCHITECTS, A PROFESSIONAL CORPORATION
 1248 BROOKFIELD AVE.
 SUNNYVALE, CA 94087
 (415) 353-1000
 www.williammadson.com

MADSON PROJECT
 1248 BROOKFIELD AVE.
 SUNNYVALE, CA 94087

**FRONT AND REAR
 RENDERINGS**



FRONT FROM ACROSS STREET
N.T.S.



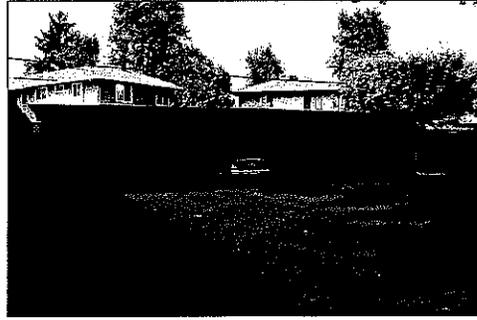
FRONT PERSPECTIVE FROM DRIVEWAY
N.T.S.



FRONT PERSPECTIVE FROM SIDEWALK
N.T.S.



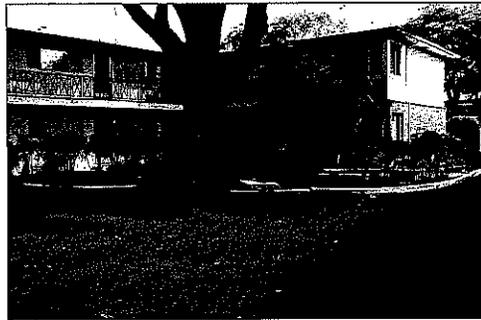
DRIVEWAY TO PARKING
N.T.S.



MAIN CARPORT
N.T.S.



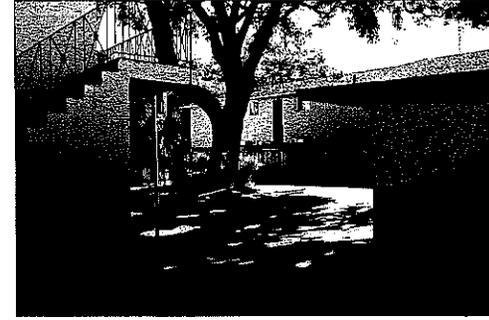
RIGHT SIDEYARD
N.T.S.



COMMON AREA FROM MAIN CARPORT
N.T.S.



CARPORT FROM COMMON AREA
N.T.S.



DRIVEWAY FROM SMALLER CARPORT
N.T.S.

REVISION	BY
DATE	DATE
DESCRIPTION	BY
DATE	DATE
	
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MADSON PROJECT 1248 BROOKFIELD AVE. SUNNYVALE, CA 94087	
Page 12 of 13	
ATTACHMENT (E) PHOTOS	
DATE	BY
DATE	DATE
JOB	NO. 013402
A5.06	
SHEETS	



William Maston

ARCHITECT & ASSOCIATES

ATTACHMENT D

Page 1 of 2

August 7, 2008

Ryan Kuchenig, Associate Planner
Dept. of Community Development
Planning Staff
Planning Commission
City Council
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94088-3707

Re: Condominium Conversion at 1248 Brookfield Avenue, Sunnyvale 94087

Ladies and Gentlemen:

Please consider this overview letter as part of our submittal for the proposed condominium conversion.

Over the last nine months we've worked with Planning Staff and various other departments to identify and solve areas of concern regarding proposed development in order to maximize the potential benefits of the proposed project.

We have worked with Staff to create more pleasant exterior architectural elements, better site planning internal to the project, more usable open space and less impervious surface area, as currently exists on the site. In order to achieve these goals, we have reduced the original number of apartment units from eight (8) to six (6), and expanded and updated condominium units to be consistent with the current zoning.

During our interaction with Planning Staff, we identified one area of concern regarding the preservation of an existing tree that is in only "fair" health condition. The tree's health condition and its location potentially compromised available design solutions. After reviewing information supplied by a local arborist and reviewing alternative site plan alternatives suggested by Planning Staff, we concluded that removal of the existing (Heritage) tree was in the best interest of the project. Its life expectancy has already been compromised by its age and poor maintenance and its location compromised our ability to create more usable open spaces and reduce impervious surface areas. After weighing the benefits of preservation verses better site plan, we chose removal of the tree.

Ryan Kuchenig
Re: 1248 Brookfield Avenue, Sunnyvale
August 7, 2008
Page 2

As part of the removal of the tree, we have created two usable open space areas at the rear of the property and added thirteen (13) additional trees to compensate for its removal. We believe these enhancements create a much greater benefit in the long term for the project and the site.

Additional enhancements to the project include new covered and dedicated parking areas, new covered and dedicated garbage collection area, additional storage for each unit and four (4) permanently dedicated bicycle lockers. While these amenities are required by Code, we believe we've located them in areas that benefit the open space, provide convenience for the users and security for the same.

Overall we believe that we have constructively incorporated various suggestions made by Planning Staff and other City departments to create a project that benefits and enhances the surrounding community.

We are available to answer any of your questions and look forward to working with you during the public review process.

Sincerely,



William J. Maston
Enclosure: 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY LOCATED AT 1248 BROOKFIELD AVENUE FROM R-3 (MEDIUM DENSITY RESIDENTIAL) TO R-3/PD (MEDIUM DENSITY RESIDENTIAL/ PLANNED DEVELOPMENT) ZONING DISTRICT

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

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties within the R-3/PD (MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) ZONING DISTRICT which properties are presently zoned R-3 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT. The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

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

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

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

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

APPROVED:

Page 2 of 3

ATTEST:

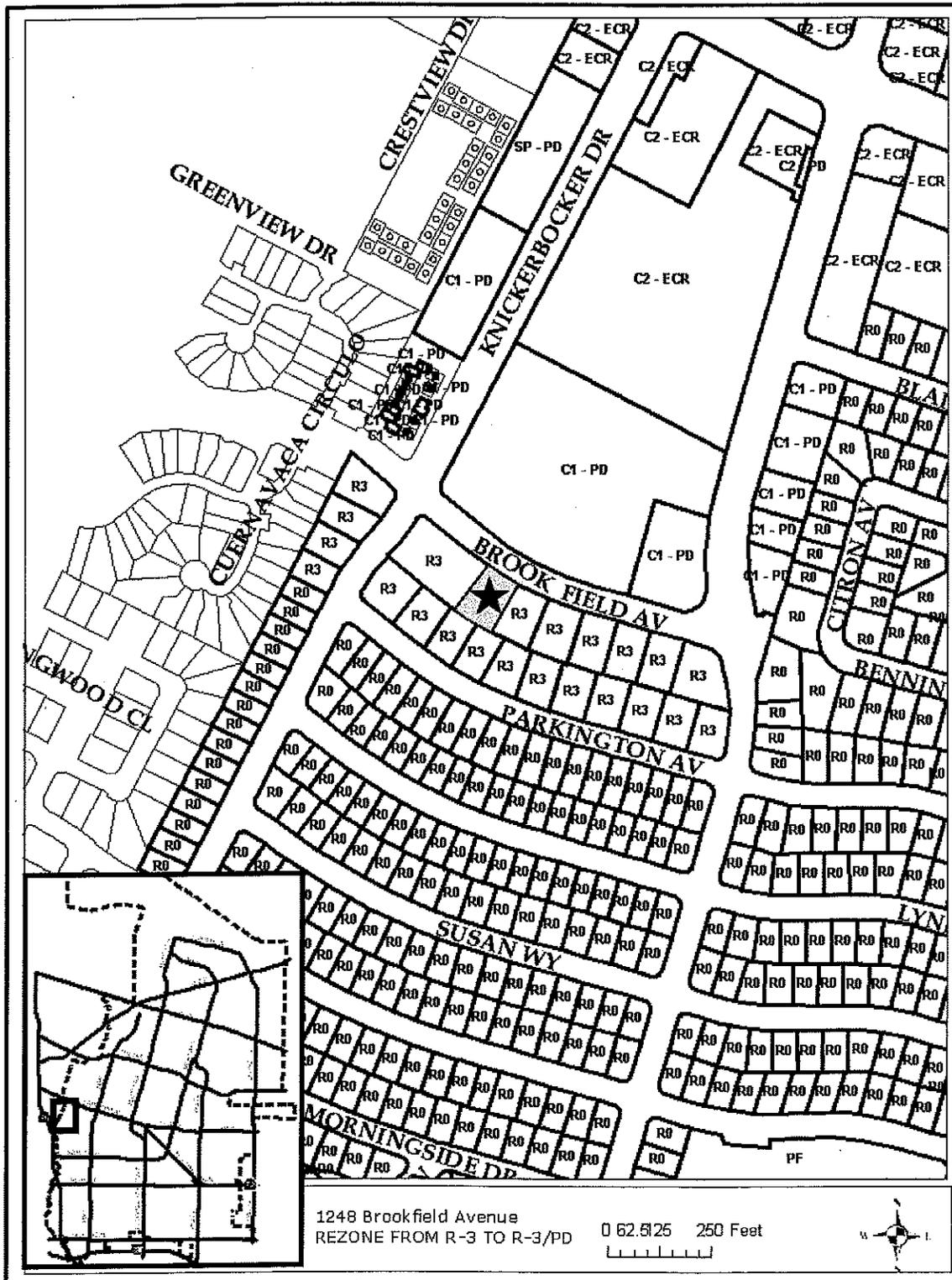
City Clerk
Date of Attestation _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney



1248 Brookfield Avenue
REZONE FROM R-3 TO R-3/PD

0 62.5125 250 Feet

