July 12, 2010

SUBJECT: 2010-7048– O’Brien Homes/Sunnyvale Associates LLC and TRE B of A v WL Homes [Applicant/Owner]: Application for related proposals on a 13.9 acre site located at 920 & 962 East Duane Avenue (near De Guigne Dr.) in an M-S (Industrial & Service) Zoning District; (APN: 205-55-001 through 040)

Motion Special Development Permit to allow architectural and landscaping modifications to a previously approved project. Previous project included 242 condominium townhomes and a tentative map, as a specific project component of the Duane ITR General Plan Amendment and EIR Study.

REPORT IN BRIEF

Existing Site Conditions
Vacant parcel

Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single-family Residential and Neighborhood Business</td>
</tr>
<tr>
<td>South</td>
<td>Industrial and office</td>
</tr>
<tr>
<td>East</td>
<td>Industrial and office (AMD campus)</td>
</tr>
<tr>
<td>West</td>
<td>Industrial and office</td>
</tr>
</tbody>
</table>

Issues
Architecture, parking

Environmental Status
The project is within the boundaries of a previously certified Environmental Impact Report (East Sunnyvale Industrial-To-Residential ITR Project).

Staff Recommendation
Approve the conditions.
PROJECT AND SITE DESCRIPTION

Project Background: This project was previously reviewed by the Planning Commission at their February 12, 2007 meeting. The Commission voted 7-0 to recommend approval to the City Council with modified conditions. The City Council reviewed and approved the project on February 27, 2007.

At that time, the application was processed concurrently with the East Sunnyvale Industrial to Residential application (General Plan Amendment, Rezone, and Environmental Impact Report) to allow the Rezone of the area from Industrial and Service to Industrial to Residential (ITR). See Attachment C for the Data Table comparing this project with the previous approval.

In 2008, John Laing Homes submitted building permits and began construction on the project. Construction included substantial completion of on-site and off-site improvements, the clubhouse, and two model buildings (14 units). Although the model buildings were constructed, no units were sold. At the end of 2008, John Laing Homes declared bankruptcy and ultimately relinquished control of the project.

Currently, there are two property owners who have partnered with local home builder, O’Brien Homes, to complete the remaining site improvements and 228 units. One property owner is IHP Capitol who owns over 90% of the site, including the 228 units that have not been constructed. The second property owner is Bank of America, who is currently represented by a Receiver (California Real Estate Receiverships) and owns the 14 built units and some common ground areas.

The application was scheduled to be heard by the Planning Commission at the June 28, 2010 meeting but was continued by the Commission to the June 12, 2010 meeting at a request of one property owner (Receiver). The Commission stated their preference for the two property owners to resolve their differences prior to the June 12th meeting, or if not, the objecting property owner was to state their specific objections in writing to the Commission.

Description of Project: The applicant is requesting approval of a Special Development Permit (SDP) to allow for a modification to the architecture of the remaining 228 townhome units and a deviation in Sunnyvale Municipal Code (SMC) parking standards. There are also minor modifications to the landscaping proposed. The project will include the required 12.5% Below Market Rate (BMR) units, for a total of 30 units, pursuant to the Sunnyvale Municipal Code (SMC) Section 19.66.020 (see BMR Conditions of Approval in Attachment B).

The total project consists of 242 ownership condominium townhome units at a density of 18.9 units/acre. The maximum allowed density under the R-3 zoning
designation is 24 units/acre for a maximum number of 307 units. A 242 unit project satisfies the housing goal of achieving at least 75 percent of the maximum allowable density, which is 18 units/acre minimum.

The application does not include a request to modify the density, general site plan, circulation, project impacts, or general program elements that were previously approved by the City Council.

**Site Layout:** The approved project’s 242 units are arranged into 38 buildings on the site, with buildings accommodating between three and seven units. The buildings and driveways have been aligned so the buildings face one another to create linear common front yard areas (paseos). The townhome units located adjacent to the existing and new public streets are all oriented so they front on the streets (Attachment D – Site and Architectural Plans).

The new internal streets will be private drives and also provide both public safety and solid waste vehicle access. There will be a new public street dedicated as part of the project, which leads from De Guigne, across the southern property line, to the eastern property line. The new public street which is partially completed at this time, will serve future projects on adjacent parcels to the south and east.

There are several common open space areas located throughout the site which include site features including a clubhouse and children’s play areas. The community clubhouse is centrally located within the site in order to maximize the usability of the potential future park in the southwest corner of the project.

At the City’s direction, the applicant has submitted a lot line adjustment application to accommodate shifts in the lot lines proposed for eight of the 38 buildings due to minor changes in building footprints. The lot line adjustment application is being processed administratively by the Department of Public Works.

**Architecture:** The project proposes two different styles of architecture with each style having several plan types (see Attachment D for details). Two architectural styles, Spanish Eclectic and Contemporary are combined within the community. The Spanish architecture has traditional elements along with a more contemporary color palette. The Contemporary style provides a more modern appearance and adds architectural diversity to the community. While different, the style is compatible with the Spanish Eclectic architecture, as well as the two existing model buildings. The applicant is also proposing a number of color combinations for the 38 buildings on site. The intent is to create a unified look for the project while still differentiating each building with a unique appearance.
The applicant has provided a sample of the color pallet in Attachment F – Color Elevations.

The project is proposed to combine the architectural styles into five Districts: three Spanish Eclectic (Traditional) and two Contemporary. The Traditional Districts are oriented outward on the project edges and also include the community center and both of the existing, previously built, models. The Spanish Eclectic style will be more compatible with the existing homes fronting on E. Duane and the existing model buildings. Each District will have unique but compatible landscape elements within the district as is described in the District Plan in Attachment F – Color Elevations.

In general, staff finds the applicant has met the goals of the City-Wide Design Guidelines with the proposed architecture and that the styling is consistent with other townhome projects approved elsewhere in the City. However, staff is recommending several conditions of approval for minor design modifications to further differentiate the Spanish Eclectic and the Contemporary designs. Given the number of buildings (38) on the site, the designs should differentiate the diversity of the districts. Staff recommends the following:

1. The garage doors shall have a variation in their designs that reflects the building basic design style.
2. The stucco textures shall vary between building styles (i.e. smooth, Monterey, skip trowel, wavy.)
3. The applicant shall continue to explore the idea of climbing vines or a green screen on the sides, rear, and/or front of the buildings.

Clubhouse: All multifamily residential projects over 50 units are required to provide a community room. To meet this requirement, the approved project provided a clubhouse of 2,213 square feet where 450 square feet (plus kitchen and restrooms) is the minimum required. The building is completed and includes approximately 1,850 square feet of usable floor area, a full kitchen, and restrooms, for a total square footage of 2,213 square feet.

The applicant is proposing a minor remodel to the interior and exterior of the community center to make it a more multi-functional space. The prior clubhouse was designed primarily as a culinary center which was spacious but had limited functionality. The proposed clubhouse will include a WiFi lounge/living room, a fitness room, a home theater/TV room, and a kitchen facility. All changes will be interior to the existing building and no square footage will be added or removed as a result. Staff supports these changes.

Landscaping: The applicant is proposing to make substantial upgrades to the existing landscaping, in conformance with the previous approval. The project includes the installation of numerous new trees of varying species and the
addition of bushes/shrubs throughout the site. The applicant is proposing to modify the species of new trees originally approved in the 2008 project. The city arborist has reviewed the arborist’s report and applicant’s plans and concurs with the proposed development.

**Parking/Circulation:** The project was approved with a total of 558 parking spaces on-site where 554 were required by SMC. Included in the 558 spaces were 350 garage spaces and 208 uncovered spaces throughout the site, all of which would be unassigned and available to guests and residents. The required parking is generated by the number of units and number of bedrooms within each unit. The approved project included 108 units with two car garages and 134 units with one car garages. Thirty-two of the 134 units had tandem parking spaces.

The applicant is now proposing to increase the number of bedrooms in some of the units, thereby increasing the total required parking for the project. The project is proposed to increase by 30 bedrooms, which will require an additional 33 unassigned parking spaces. The applicant’s justification for the redesign of the units is as follows:

*The primary reason for the redesign was to make the current floor plans functional and desirable in today's competitive marketplace. Changes that the current proposed plans include are as follows:*

- **The current plans have a minimum of 2 bedrooms (for all units). The prior plan had 48 one bedroom units.**
- **The plans have a minimum 2-car tandem or 2-car side by side garages. The prior plan had 96 one-car garages.**
- **Storage spaces in the garages of 66 of the 102 plans that have 2-car side by side plans have been added**
- **The Plan 7 is expandable to 4 bedrooms. The prior plan had no 4 bedroom homes.**
- **No plans have a substandard living/dining/kitchen area. The prior plan had 72 plans (Townhomes 2 and 3 – both 3 bedroom homes) that had unacceptably small and dysfunctional main living areas for the size of the homes.**
- **78 homes (our new Plans 4 and 5 as well as the Plan 7 in the 3 unit buildings) have light on three sides of the living areas.**
- **In general the floor plans average 61 feet larger (saleable), and overall they are much more functional, flexible and marketable.**

As part of the architectural redesign, the applicant is proposing to add 96 tandem garage spaces to the already approved 32 spaces for a total of 128 spaces. While these spaces are functional parking spaces, they are not counted by SMC towards the required on-site parking. The applicant is requesting a
deviation from SMC for the additional 33 unassigned parking spaces. In addition to the tandem spaces provided, the applicant has noted that there are 70 spaces on the public streets surrounding the project.

Staff is supporting this parking deviation based on the number of tandem spaces (128). Staff notes that there are also on-street spaces (70) available. Staff believes the number of actual spaces that will be available on-site (681) versus the minimum number of spaces required (558) will ensure the site will not be under-parked when the project is completed.

**Green Building Requirements:** Under the City’s new green building standards, this project will be required to achieve 70 Green Rated points. The project is not required to be certified, but will be required to submit a Green Rated checklist demonstrating the project achieves 70 points.

**Compliance with Development Standards:** The applicant is requesting one new deviation from SMC through the SDP application. The following table outlines the new deviation and the five previously approved deviations:

<table>
<thead>
<tr>
<th>Requested Deviations</th>
<th>Justifications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Deviation</strong></td>
<td></td>
</tr>
<tr>
<td>• 203 unassigned parking</td>
<td>• The 128 tandem spaces and 70 on-street spaces will provide sufficient</td>
</tr>
<tr>
<td>spaces where 236 is the</td>
<td>parking spaces so the site will not be under-parked.</td>
</tr>
<tr>
<td>minimum required</td>
<td></td>
</tr>
<tr>
<td><strong>Previously Approved Deviations</strong></td>
<td></td>
</tr>
<tr>
<td>• Building heights of 39’</td>
<td>• Building height deviations are typical for townhouse projects, particularly</td>
</tr>
<tr>
<td>where 35’ is the maximum</td>
<td>those recently approved in Sunnyvale.</td>
</tr>
<tr>
<td>allowed</td>
<td></td>
</tr>
<tr>
<td>• The distance between</td>
<td>• Greater open space is provided in the common open space areas and a larger</td>
</tr>
<tr>
<td>building is at places 15’</td>
<td>clubhouse is provided</td>
</tr>
<tr>
<td>where 26’ is the minimum</td>
<td></td>
</tr>
<tr>
<td>allowed</td>
<td></td>
</tr>
<tr>
<td>• A front yard setback on</td>
<td>• The units facing De Guigne present to the street, thereby mimicking and</td>
</tr>
<tr>
<td>De Guigne of 15’ average</td>
<td>complementing the current streetscape pattern in the neighborhood. In</td>
</tr>
<tr>
<td>where 20’ average is</td>
<td>addition, the front elevations are articulated so that some portions</td>
</tr>
<tr>
<td>required</td>
<td>encroach as close as 10’ and some are greater than 20’. The average width is</td>
</tr>
<tr>
<td>• A front yard setback on</td>
<td>15’ for the entire perimeter of the project.</td>
</tr>
<tr>
<td>the new public street of</td>
<td></td>
</tr>
<tr>
<td>10’ minimum and 15’</td>
<td></td>
</tr>
<tr>
<td>average where 15’ is the</td>
<td></td>
</tr>
<tr>
<td>minimum and 20’ average</td>
<td></td>
</tr>
<tr>
<td>is required</td>
<td></td>
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</tbody>
</table>
### Requested Deviations

<table>
<thead>
<tr>
<th>Requested Deviations</th>
<th>Justifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A frontage width of 15’ average and 10’ minimum where 15’ is the minimum required.</td>
<td>• The 10’ frontage width is only on the new public street. The frontage width on De Guigne and Duane is a minimum width of 15’.</td>
</tr>
</tbody>
</table>

Staff believes this project provides a high level of architectural quality, increased average open space (clubhouse square footage and landscaping per unit) versus SMC requirements, a compatible residential use with the surrounding uses (existing and future uses) and additional ownership opportunities that would not be available if the project were required to comply with the standards noted. Staff finds adequate justification to approve the requested deviation with the Recommended Conditions of Approval.

**EXPECTED IMPACT ON SURROUNDINGS**

Staff finds that with mitigation measurements contained in the EIR, the proposed project will not have an impact to the surrounding neighborhood (existing and future ITR). No significant traffic or noise impacts are expected as a result of the project and no visual impacts are expected. The applicant has worked with staff to address the project’s architectural compatibility with the single-family existing neighborhood across East Duane Avenue and to minimize any potentially negative impacts.

**PUBLIC CONTACT**

**Planning Commission Study Session:** This project was heard at a Planning Commission Study Session on May 24, 2010. At that meeting the Commission voiced concern and support for the project, including:

- Support for the District Plan
- Proposed architecture good, but some enhancements are needed
- Parking may be a concern

The architect has responded to these concerns and the revisions have been included in the site and architecture plans in Attachment D and F.

**Public Contact:** 109 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

**ENVIRONMENTAL DETERMINATION**

The project is within the boundaries of a previously certified Environmental Impact Report (East Sunnyvale Industrial-To-Residential ITR Project).
ALTERNATIVES:

1. Approve the Special Development Permit with the Conditions of Approval located in Attachment A.
2. Approve the Special Development Permit with the modified Conditions of Approval.
3. Deny the Special Development Permit

RECOMMENDATION

Alternative 1: Approve the Special Development Permit with the Conditions of Approval located in Attachment A.

Staff was able to make the required Findings as located in Attachment A.

Reviewed by:

Trudi Ryan
Planning Officer
Prepared By: Steve Lynch, Senior Planner

Attachments:

A. Findings
B. Standard Requirements and Recommended Conditions of Approval
C. Project Data Table
D. Site and Architectural Plans
E. Project Description Letter from the Applicant
F. Color Elevations (11x17)
G. Letter from SMNA Board (Tara Martin-Milius, et al)
H. Draft Minutes from Planning Commission Meeting of June 28, 2010
General Plan Goals and Policies

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 exceeds this policy with 242 housing units, where 230 units would meet 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 project provides needed housing opportunities within an Industrial to Residential conversion neighborhood (recently approved).

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

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

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

The proposal meets this goal with 212 market rate units and 30 new BMR units.

Land Use and Transportation Element

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

This project achieves this policy with 242 ownership housing units.

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

The project site is situated between one existing low density single-family neighborhood and an approved, Industrial to
Residential conversion zone. The proposed project is compatible with the adjacent land uses and the zoning for the area.

**Community Design Sub-element**

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

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

**FINDINGS**

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

   The project meets the goals and policies of the General Plan, as enumerated above.

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

   The proposed architecture meets the City-Wide Design Guidelines. The proposed project meets the intent of the ITR zoning district. There will be no change in Sunnyvale code requirements as a result of this project; therefore, the existing uses on adjacent properties will not be impacted, interfered, or otherwise damaged by the proposed use. The related IER for the East Sunnyvale Industrial to Residential project includes measures to avoid conflicts with adjacent industrial uses.
RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 28, 2010

Planning Application 2010-7048
920-962 E. Duane Avenue

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

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

THE FOLLOWING GENERAL CONDITIONS SHALL APPLY TO THE APPROVED PROJECT.

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

2. PERMIT EXPIRATION (Ordinance 2895-09): The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of
the permit approval. If the approval is not exercised within this time frame, the permit is null and void. [SDR] (PLANNING)

3. CONFORMANCE WITH PREVIOUS PLANNING PERMIT – The subject site shall comply with all conditions of approval and requirements of planning application 2006-0598, unless otherwise modified by these conditions of approval. [PLANNING] [COA]

| THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT, AND/OR GRADING PERMIT. |

4. PUBLIC WORKS – Additional project requirements:
   a) A new (or amended) subdivision agreement and improvement securities shall be executed with adequate parties who are responsible for completion of the public improvements.
   b) The record engineer shall provide an updated utility analysis (to verify if the current design is still adequate) for City’s review and approval, due to the changes of unit mix. Revise design and construction as needed based upon the updated analysis.
   c) Pay additional water and sewer connection fees based on the new unit mix of 136 low-occupancy units and 106 standard-occupancy units (former unit mix was 166 low-occupancy units and 76 standard-occupancy units): $3,870.00 for incremental water connection fee and $34,713.90 for incremental sewer connection fee. Please note that fee amounts are subject to annual change and approval by the City Council.

5. CONDITIONS, COVENANT, AND RESTRICTIONS: A restriction shall be added to the CC&Rs that requires the tandem parking spaces to be used for parking. Under no circumstances shall this space be used as storage.

6. REQUIRED REVISIONS TO PROJECT PLANS - The plans shall be revised to address the following:
   a) The garage doors shall have a variation in their designs that reflects the building basic design style.
   b) The stucco textures shall vary between building styles (i.e. smooth, Monterey, skip trowel, wavy.)
   c) The applicant shall continue to explore the idea of climbing vines or a green screen on the sides, rear, and/or front of the buildings.

7. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY) - A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
   a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
b) The property manager/homeowner’s association must specify that at least 50% and nor more than 75% of unassigned spaces be reserved for guest use.

c) Clearly indicate that the property manager/homeowner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.

d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.

e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.

f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT, AND/OR FINAL OCCUPANCY OF ANY UNIT IN THE PROJECT.

8. SUBDIVISION AGREEMENT: Execute and Amended and Restated Subdivision Agreement and provide improvement securities and/or cash deposits as outlined in the Agreement executed prior to issuance of the first certificate of occupancy or prior to issuance of any building permit.

Previous Condition of Approval to Be Modified

General Conditions 1.(l):

Both of the children’s play areas (tot lots) common areas shall contain playground site features (children’s play structures, adult sport courts, pool) for active uses (not passive) by different two age groups. One shall be for toddlers and the second shall be for younger elementary age children. Final design is subject to approval by the Director of Community Development prior to issuance of a building permit.
## PROJECT DATA TABLE

<table>
<thead>
<tr>
<th>Approved</th>
<th>PROPOSED</th>
<th>REQUIRED/PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan</td>
<td>Industrial to Residential</td>
<td>Industrial to Residential</td>
</tr>
<tr>
<td>Lot Size (s.f.)</td>
<td>Net = 557,523 (less public street dedication) Gross = 607,019</td>
<td>Net = 557,523 (less public street dedication) Gross = 607,019</td>
</tr>
<tr>
<td>Gross Floor Area (s.f.)</td>
<td>427,387</td>
<td>488,857</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>34.4%</td>
<td>38%</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>76.7%</td>
<td>87.7%</td>
</tr>
<tr>
<td>No. of Units</td>
<td>242</td>
<td>242</td>
</tr>
<tr>
<td>Density (units/acre)</td>
<td>18.9</td>
<td>18.9</td>
</tr>
<tr>
<td>Meets 75% min?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lockable Storage/Unit</td>
<td>Covered garages</td>
<td>Covered garages</td>
</tr>
<tr>
<td>No. of Buildings On-Site</td>
<td>38</td>
<td>38</td>
</tr>
<tr>
<td>Distance Between Buildings (ft.)</td>
<td>15’ min</td>
<td>15’ min</td>
</tr>
<tr>
<td>Building Height (ft.)</td>
<td>39’</td>
<td>39’</td>
</tr>
<tr>
<td>No. of Stories</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

**Setbacks (First & Second Stories Facing Property)**

- **Front on Duane (minimum and average)**
  - 15’ min.
  - 30’ avg.

- **Front on De Guigne (minimum and average)**
  - 15’ min.
  - 15’ avg.

- **Front on new public street (minimum and average)**
  - 10’ min.
  - 15’ avg.

- **Right Side**
  - 13’

**Landscaping (s.f.)**

- **Total Landscaping**
  - 225,217 (includes 47,000 sf. park area)
  - 224,182 (includes 44,253 sf. park area)
  - 102,850 min.

- **Landscaping/Unit**
  - 931
  - 926
  - 425 min.

- **Total Usable Open Space**
  - 123,301
  - 125,609
  - 96,800 min.
<table>
<thead>
<tr>
<th></th>
<th>Approved</th>
<th>PROPOSED</th>
<th>REQUIRED/ PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Usable Open Space/Unit</strong></td>
<td>510</td>
<td>519</td>
<td>400 min.</td>
</tr>
<tr>
<td><strong>Frontage Width (ft.)</strong></td>
<td>15’ average (10’ minimum on new public street frontage only)</td>
<td>15’ average (10’ minimum on new public street frontage only)</td>
<td>15’ min.</td>
</tr>
<tr>
<td><strong>Parking Lot Area Shading (%)</strong></td>
<td>51%</td>
<td>51%</td>
<td>50% min. in 15 years</td>
</tr>
<tr>
<td><strong>Water Conserving Plants (%)</strong></td>
<td>70%</td>
<td>70%</td>
<td>70% min.</td>
</tr>
<tr>
<td><strong>Clubhouse (s.f.)</strong></td>
<td>2,213</td>
<td>2,213</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>(including kitchen and restrooms)</td>
<td>(including kitchen and restrooms)</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Spaces</strong></td>
<td>558</td>
<td>553</td>
<td>586 min.</td>
</tr>
<tr>
<td><strong>Covered Spaces</strong></td>
<td>350</td>
<td>350</td>
<td>350 min.</td>
</tr>
<tr>
<td><strong>Unassigned Spaces</strong></td>
<td>205</td>
<td>203</td>
<td>236 min.</td>
</tr>
<tr>
<td><strong>Accessible Spaces</strong></td>
<td>6</td>
<td>6</td>
<td>6 min.</td>
</tr>
<tr>
<td><strong>Aisle Width (ft.)</strong></td>
<td>26’ min.</td>
<td>26’ min.</td>
<td>24’ min.</td>
</tr>
<tr>
<td><strong>Bicycle Parking</strong></td>
<td>20 Class II spaces</td>
<td>24 Class II spaces</td>
<td>16 Class II spaces</td>
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Starred items indicate deviations from Sunnyvale Municipal Code requirements.
**SUNNYVALE ASSOCIATES LLC**  
**DEVELOPER**  
**228 TOWNHOME UNITS**  
**SOUTHEAST CORNER OF DUANE AVENUE & DE GUIGNE DRIVE**

## PROJECT DATA

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<tbody>
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<td>2</td>
<td>Technical Site Plan</td>
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<td>3</td>
<td>Block 1.1-1.7 Building 1 Elevations and Floor Plans</td>
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<td>Block 1.4 Elevations and Floor Plans</td>
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<td>7</td>
<td>Block 1.5 Landscape Site Plan</td>
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<td>Block 1.7 Green Infrastructure Plan</td>
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<td>Block 1.8 Landscaping Design Plan</td>
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<td>Block 1.9 Parking Area Shade Analysis</td>
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<td>12</td>
<td>Block 1.10 Landscape Imagery</td>
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The following sections were not substantially changed from the approved project and are included here for reference:

1 of 1
2 of 3
3 of 2

### LOCATION MAP

*Based on an area including public parks & public street address.*

---

**DEVELOPER:** Sunnyvale Associates, LLC  
**Address:** 650 Tower Lane Suite 1250  
**City:** Foster City, CA 94404  
**Phone Number:** (650) 524-7955  
**Fax Number:** (650) 524-2442  
**Contact Person:** Steve Azrak

**ARCHITECT:** KCI Group  
**Address:** 283 4th Street, Third Floor  
**City:** Oakland, CA 94607  
**Phone Number:** (510) 272-2590  
**Fax Number:** (510) 299-2542  
**Contact Person:** Jill Williams

**LANDSCAPE ARCHITECT:** Von Doehn Landscape Arch Inc.  
**Address:** 81 14th Street  
**City:** San Francisco, CA 94103  
**Phone Number:** (415) 664-1921  
**Fax Number:** (415) 664-4786  
**Contact Person:** A. Michael Dohm

**ENGINEER:** Charles P. Osvold Engineering Co.  
**Address:** 255 West Julian Street Suite 200  
**City:** San Jose, CA 95110  
**Phone Number:** (408) 295-9192  
**Fax Number:** (408) 295-9192  
**Contact Person:** Michelle Pilk
First Floor

BLDG. 2 COMPOSITE PLANS

O'Brien Homes/Sunnyvale
Associates, LLC

Duane Avenue
Sunnyvale, California

Plan 1
2 Bedrooms
2.5 Bath
1,302 S.F. Gross
1,215 S.F. Net

Plan 2
2 Bedrooms
2.5 Bath
1,340 S.F. Gross
1,237 S.F. Net

Plan 3
2 Bedrooms
2.5 Bath
1,494 S.F. Gross
1,386 S.F. Net

Plan 4
2 Bedrooms + Den
Opt. Bedroom 3
3 Bath
1,721 S.F. Gross
1,600 S.F. Net

Plan 5
2 Bedrooms + Den
Opt. Bedroom 4
3 Bath
1,978 S.F. Gross
1,872 S.F. Net

Plan 6
2 Bedrooms + Den
Opt. Bedroom 3
2.5 Bath / Opt. Bath 3
1,302 S.F. Gross
1,215 S.F. Net

Plan 7
2 Bedrooms
2.5 Bath
1,285 S.F. Gross
1,180 S.F. Net
Third Floor

Plan 1
- 2 Bedrooms
- 2.5 Bath

Plan 2
- 2 Bedrooms
- 2.5 Bath

Plan 3
- 2 Bedrooms
- 2.5 Bath

Plan 4
- 2 Bedrooms + Den
- Opt. Bedroom 3
- 3 Bath

Plan 5
- 3 Bedrooms + Den
- Opt. Bedroom 4
- 2.5 Bath / Opt. Bath 3

Plan 6
- 2 Bedrooms + Den
- Opt. Bedroom 3
- 3 Bath

Plan 7
- 3 Bedrooms + Den
- Opt. Bedroom 4
- 2.5 Bath / Opt. Bath 3

Duane Avenue
Sunnyvale, California

Attachment 16 of 41

O'Brien Homes/Sunnyvale
Associates, LLC

Architecture + Planning
220 4th Street Third Floor
Oakland, California 94607

Phone: 510.772.2910
Fax: 510.772.2911

June 18, 2010
DECK ACCENTS
- Recessed Lighting
- Decorative Handrails
- Decorative Metal Railings
- Decorative Metal Railings
- Decorative Metal Railings

ENTRY PATIO
- Slate Floor
- Decorative Light Fixture
- Address Plaque
- Decorative Light Fixture
- Decorative Light Fixture
- Decorative Light Fixture

SIDE ENTRY
- Decorative Light Fixture
- Address Plaque
- Decorative Light Fixture
- Decorative Light Fixture
- Decorative Light Fixture

FRONT ELEVATION
* Note: Stone veneer occurs/varies per color scheme

BLDG. 4
Spanish Eclectic
7-PLEX

EXTERIOR ELEVATIONS
Duane Avenue
Sunnyvale, California

O'Brien Homes/Sunnyvale Associates, LLC

Page 26 of 27
Original Average Garage S.F. - 366 S.F.
Proposed Average Garage S.F. - 474 S.F.

O'Brien Homes/Sunnyvale Associates, LLC

Duane Avenue
Sunnyvale, California
Duane Avenue – 242 townhomes – Design/Parking Overview:

The previously approved homes were marketed for sale for approximately 10 months in 2008 and remarkably achieved zero sales. The lack of success was due to a combination of a weak market for homes, prices that were too high and we believe most significantly the majority of the home plans having severe design flaws relating to bedrooms, living areas and parking that needed correction and redesign. Our team has been working hard the last 12 months on studying the market and the target buyer, redesigning the homes, and for the last 7 months working with city staff in refining and improving what we now propose to build. With Planning Commission approval, we plan to resume construction on the remaining 228 homes in less than 3 months and it will allow occupancy of the existing 14 homes to occur in 45 to 60 days.

Goals:

The proposed redesign in our application has the following goals:

- Since the streets, utilities and building pads are already in for 80% of the site, we sought to retain the existing site plan, circulation, density (242 townhomes) project impacts and general program elements that were previously approved.
- Position the project so the pricing and homes offered will sell successfully in today’s still soft, non-bubble environment. Prospective homebuyers now have many good options available to them, where they can get much more of what they want, for a much lower cost than they could have when this project was originally designed, approved and unsuccessfully introduced to the market.
- The primary reason for the redesign of the homes was to make the current plans attractive, functional, desirable, more current and more diverse so they can be successfully built and sold now – in today’s competitive and selective marketplace.
- The parking and storage for the remaining 228 homes have been greatly improved. 96 garage spaces and additional storage have been added to the plans which have increased garages by an average of 30% (108 sf per home) which will significantly reduce pressure on unassigned parking.
- There were also many changes to the living areas of the floorplans, particularly the prior Towne product, to make them much more functional.
- The mix of bedrooms offered has shifted considerably but net, not only 30 bedrooms have been added.
- Significant improvements were made to the architectural and landscaping diversity through the creation of 5 Districts with the community.
- The prior “Culinary Center building” is proposed to be remodeled into a Community Center we plan to call Pulse. The Community Center will now include a fitness room, a movie room, a wi-fi lounge and living room, a public kitchen and an outdoor living room. We believe these amenities will find a high level of daily demand and will greatly increases the intra-community interaction and development of neighbors and a neighborhood.
Floorplans/Bedrooms:

In general overall the revised floorplans are much more functional, flexible and marketable which is critical to getting this community successfully restarted.

The following table summarizes changes to the bedrooms for the remaining 228 homes. It is the change in bedrooms, combined with having 198 legal spaces that aren’t counted as usable parking, which drives the parking deviation requested:

<table>
<thead>
<tr>
<th># bedrooms</th>
<th>Laing Plans</th>
<th>OH/IHP</th>
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<th>Difference</th>
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<tr>
<td>1 bedroom</td>
<td>45</td>
<td>0</td>
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<td>2 bedroom</td>
<td>30</td>
<td>126</td>
<td>60</td>
<td>+192</td>
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<td>3 bedroom</td>
<td>153</td>
<td>66</td>
<td>459</td>
<td>-261</td>
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<td>4 bedroom</td>
<td>0</td>
<td>36</td>
<td>0</td>
<td>+144</td>
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<tr>
<td>Total homes</td>
<td>228</td>
<td>228</td>
<td>564</td>
<td>+30</td>
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- 1 Bedrooms: The prior plan had 45 remaining 1 bedroom homes which are almost no one’s preferred choice so they are very tough to market. The revised plans have a minimum of 2 bedrooms.
- 2 Bedrooms: The prior plan had only 30 2 bedroom homes which are the “bread and butter” of the townhome market which include a wide demographic, but are most typically price sensitive, entry level young singles and couples, that work near by, most often with no or pre-school aged kids, that also desire the flexibility for a home office and/or guest or expansion room.
- 3 Bedrooms: The prior plan had predominantly 3 bedroom homes, many of which (Towne plans 2 and 3) had living areas that were far too small and dysfunctional for homes of that size. 51 of the prior 3 bedroom homes had 1 car garages which is highly undesirable and unusual. In general 3 bedroom plans are desirable but too expensive for the primary, entry-level townhome demographic. The revised plans 3 bedroom homes all have appropriate sized living areas and large, side by side, 2 car garage.
- 4 Bedrooms: The proposed project offers one “move-up/move-down” four bedroom plan to the mix to address the demand for buyers that need extra bedrooms or 3 bedrooms and an office.
- General: 78 homes (our new plans 4 and 5 as well as the plan 7 in the 3 unit buildings) have light on 3 sides of the living areas versus 2 sides. The prior plan had none.

Parking/Garages:

We believe the parking changes described below make the proposed project a much stronger offering, that will actually reduce demand on open, unassigned parking compared to the prior approved project.
The current plan has 747 parking spaces (3.1/home) available compared to 653 (2.7/home) for the approved plan. However, the current plan has 198 legal spaces that exist that are not counted. So the “official” parking count is 549 (2.3/home) vs. the 582 (2.4/home) that are required. The difference between 747 actual and 549 counted is a primary reason the deviation is requested.

There would be no deviation required if credit is given for as little as 16.7% of the 198 legal spaces (128 tandem garage spaces plus 70 legal spaces on public streets) that are in fact counted as zero. We are confident that the benefit of these 198 spaces plus added garage storage will far exceed the 16.7% needed.

The prior plan had 96 1-car garages which is very undesirable and has been eliminated while still staying within the building footprints that have been built. The proposed plan upgrades all 96 1-car garages to large tandem garages averaging 435 square feet.

The prior approved plans had much less room for cars and/or storage within the homes. The revised garages average an oversized 474 sf, while the prior plans had an undersized 366 sf average. This will greatly help homeowners to park their cars in the garage where they would prefer to park.

Following is more detail on the parking:

1. **Tandem garages:** The current approval had 32 tandem garages which we’re retaining so overall there are 128 tandem spaces. While these tandem spaces count as zero, in fact they will significantly relieve parking compared to one car garages in five ways.
   a.) First, given storage issues in the previous plans and for townhomes in general, with the small one car garages the prior plan had, and common outside parking near their homes, many residents will resist parking in that one car garage and will use it for storage (as an alternative to renting a storage space) regardless of what the CC&R’s say. That becomes an enforcement headache.
   b.) Secondly, as proposed the tandem garages have more storage room even with 2 cars in them than the old design had with only one car in them.
   c.) Third, there are buyers that have a second, less used car such as a weekend car that would be more likely to be a second car parked on the inside of a tandem garage.
   d.) Fourth, some people would rather juggle two cars with two tandem spaces than park one car outside. This is particularly true if there was ever a time when parking was tight.
   e.) Lastly, the CC&R’s will require that owners keep both enclosed parking spaces in all garages clear of storage and available for parking, giving the HOA board enforcement authority should there ever be an issue.
None of these is an option with only a 1 car garage. There surely is a strong advantage of having 128 large, tandem spaces than 128 small, single spaces that the parking calculation doesn’t take into account at all.

ii.) On street spaces: This site is very fortunate and unique that in addition to the on-site and garage parking, there are 70 legal spaces adjacent to the homes that are on public streets (Duane, Santa Real and Indian Wells) on 3 of the 4 sides of the community. These spaces are unlikely to be in demand from neighboring uses yet they count as zero, as if they didn’t exist. Most of these spaces are right at the front door of the proposed home and will in fact be readily used, particularly by guests, significantly relieving pressure on unassigned parking. Many of the existing new townhome communities in Sunnyvale are subject to the same on-site parking calculation as this project, yet have zero adjacent spaces including: Bordeaux with 80 units, Evelyn Glen with 130 units, Verona with 64 units, Crossman Place with 30 units all have zero legal spaces on adjacent public streets. Danbury Park has over 200 units with no parking adjacent on 3 of its 4 sides. While the same parking calculation is applied to all sites, we believe this factor is also a strong consideration supporting the proposed deviation that is not factored into the parking calculation.

iii.) Storage added to standard 2 car garages: Garage storage has been added to 66 of the 2 car side by side plans increasing the probability that those owners will park 2 versus 1 car in their garages.

In summary, the parking calculation is an objective calculation that doesn’t take into account significant factors that will influence whether a site is parked properly or not. The fact is on-site parking demand will not be equal, as the calculation suggests it will be, for this project and for a project that is exactly the same as this one except that it has i.) 128 single car garages instead of tandem ii.) no legal, adjacent public parking spaces vs. the 70 this site has and iii.) all homes with minimum dimension garages vs. the oversized garages that are provided in this application. We think these are more objective than subjective factors and that they merit the requested deviation of 33 which amounts to credit for just 1 out of every 6 (16.7%) of the actual spaces that exist but aren’t counted.

Summary:

We believe the proposed project not only improves the parking on-site but it also significantly improves the floorplans, the diversity of the architecture and landscaping via the 5 integrated districts, and it greatly improves the functionality and usability of the Community Center. We are hopeful to gain support of the proposed changes from the Planning Commission in order that we may restart the work on this community that has now been stalled for nearly 2 years.
O'Brien Homes/Sunnyvale
Associates, LLC

June 1999

Building Type 1, Contemporary

Building Type 2, Contemporary

SANTA ROSALINA TERRACE STREET SCENE · CONTEMPORARY BUILDING TYPES 1 AND 2

Duane Avenue
Sunnyvale, California

Attachment Page 4 of 32
O'Brien Homes/Sunnyvale Associates, LLC
Duane Avenue
Sunnyvale, California

Bldg. #34, Building Type 3, Spanish Eclectic

ATTACHMENT
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O'Brien Homes/Sunnyvale Associates, LLC

Duane Avenue
Sunnyvale, California

BLDG. 1
Contemporary
3-PLEX

EXTERIOR ELEVATIONS
EXTERIOR ELEVATIONS

Duane Avenue
Sunnyvale, California

BDLG. 1
Spanish Eclectic
3-PLEX

O'Brien Homes/Sunnyvale Associates, LLC
510.292.2911
510.292.2910
www.obrienhomes.com
Plan 5
2 Bedrooms + Den
Opt. Bedroom 3
3 Bath
1,571 S.F. Gross
1,479 S.F. Net

Plan 4
2 Bedrooms + Office
2 Bath
1,377 S.F. Gross
1,298 S.F. Net

Plan 7 Alt - End Unit
3 Bedrooms + Den
Opt. Bedroom 4
2.5 Bath / Opt. Bath 3
1,978 S.F. Gross
1,872 S.F. Net

First Floor

BLDG. 1 COMPOSITE PLANS
Duane Avenue
Sunnyvale, California

O'Brien Homes/Sunnyvale Associates, LLC

3-PLEX

ATTACHMENT 17 of 22
EXTERIOR ELEVATIONS
Duane Avenue
Sunnyvale, California

O’Brien Homes/Sunnyvale
Associates, LLC

Bldg. 2
Contemporary
7-Plex

ATTACHMENT A2.1
Page 18 of 22
O'Brien Homes/Sunnyvale Associates, LLC

Duane Avenue
Sunnyvale, California

Left Elevation

Right Elevation

EXTERIOR ELEVATIONS

Spanish Eclectic 7-PLEX

Roof Plan

BLDG. 2
Recessed Tile Accent
Deck/Patio Accents
Entry Patio

Duane Avenue
Sunnyvale, California

O'Brien Homes/Sunnyvale
Associates, LLC

BLDG. 3
Spanish Eclectic
7-PLEX

EXTERIOR ELEVATIONS

ATTACHMENT A3.3
Third Floor

**BLDG. 3 COMPOSITE PLANS**

**Duane Avenue**

Sunnyvale, California

**Plan 1**
2 Bedrooms
2.5 Bath

**Plan 2**
2 Bedrooms
2.5 Bath

**Plan 3**
2 Bedrooms
2.5 Bath

**Plan 4**
2 Bedrooms + Office
2 Bath

**Plan 5**
2 Bedrooms + Den
Opt. Bedroom
Opt. Bath

**Plan 6**
2 Bedrooms + Den
Opt. Bedroom
Opt. Bath

**Plan 7**
3 Bedrooms + Den
Opt. Bedroom
Opt. Bath

**Plan 8**
2 Bedrooms
2 Bath

**Third Floor**

7-PLEX

O’Brien Homes/Sunnyvale Associates, LLC

Duane Avenue

Sunnyvale, California

O'Brien Homes/Sunnyvale Associates, LLC

Duane Avenue

Sunnyvale, California
Deck Accents

Entry Patio

O'Brien Homes/Sunnyvale Associates, LLC

IcrFYNC.:lCA'1NU41.

Front Elevation
* Note: Stone veneer occurs varies per color scheme

EXTERIOR ELEVATIONS
Duane Avenue
Sunnyvale California

BLDG. 4
Spanish Eclectic
7-PLEX

A4.3

ATTACHMENT Page 20
Pion 1
2 Bedrooms
2.5 Bath
1,302 S.F. Gross
1,215 S.F. Net

Pion 2
2 Bedrooms
2.5 Both
1,340 S.F. Gross
1,237 S.F. Net

Pion 3
2 Bedrooms
2.5 Both
1,513 S.F. Gross
1,386 S.F. Net

Original Average Garage S.F. - 366 S.F.
Proposed Average Garage S.F. - 474 S.F.
Hello, Steve,

Pat Castillo generously set up a meeting for SMNA with regard to the O’Brian development at the corner of De Guine and Duane Avenue. This parcel is currently scheduled to have the Planning Hearing on June 28, 2010. The Board of the San Miguel Neighbors Association (SMNA) would like to see this development go forward.

From our point of view, the changes to the community building seem much more likely to create community and be a more useful and usable area. The external views of the two different styles of buildings, for the perimeter and for the interior look good. The floor plans for the newly designed buildings seem much more usable than the original models and look like they will appeal to a wide variety of people. We loved the landscaping of different areas within the development for different purposes, like the citrus trees in one area, the roses in another area, tot play areas, etc. The tandem garages will be a huge help for any potential parking issues. All of this and lower price points would seem to encourage sales. This is something we all want. SMNA would much rather see construction than empty buildings, funky fencing and funny green screens with the land going to weeds!

The contribution of an acre of land on the DeGuine side, rather than on the AMD side, one that would be coordinated with other acre or small parcels of land to form a small park in the area (back to the original plan we saw) would be a real advantage. SMNA would very much like to see that park developed. We have many walkers and bikers that would enjoy that park.

SMNA also appreciates that the building standard will be higher than for the original plan. Most of the neighbors in SMNA vigorously desired more ‘green’ building when we did our visioning process for the general plan.

It is our understanding that because of some of the ways that garage areas and parking spaces are counted that the development is asking for a variance of 33 parking spaces. Since the previous parking ratio was 2.7 cars per unit, and with the tandem garages the ratio is 3.1 cars per unit, SMNA would have no objections to the requested variance.

SMNA appreciates being included in the outreach for this project, and supports its approval.

Regards,

SMNA Board (Tara Martin-Milius, Luis Angulo, Herminia Angulo, Lean Asuncion, Judy Santiago)
PLANNING COMMISSION MINUTES OF JUNE 28, 2010

2010-7048 - O'Brien Homes/Sunnyvale Associates LLC and TRE B of A v WL Homes: Architectural and landscaping modifications for a previously approved project. Previous project included 242 condominium townhomes and a tentative map, as a specific project component of the Duane ITR General Plan Amendment and EIR Study for a site located at 920 - 962 East Duane Avenue (APN: 205-55-001 through 040). SL

This item was considered as the first public hearing item on the agenda instead of the second.

Trudi Ryan, Planning Officer, explained there are two property owners related to this application and one of the property owners has requested a continuance of this item to the July 12, 2010 meeting. Ms. Ryan said staff recommends the continuance of the project as it is important that both property owners be a party to the application. Ms. Ryan said the other property owner believes the Commission should be able to move forward with the application this evening.

Comm. Rowe moved to continue the item to July 12, 2010, and then withdrew the motion for further discussion.

Comm. Klein confirmed with staff that the public hearing needed to be opened as there could be members of the public or the applicant that wanted to comment on the continuance.

Chair Chang opened the public hearing.

Reneé McDonnell, with Sunnyvale Associates, representing the co-applicant, objected to the continuance and said Sunnyvale Associates would like to present the plans tonight, as they look forward to the opportunity to have the project considered. She acknowledged the request for continuance put the Commission and staff in a difficult position with the co-applicants not in agreement. She said she thinks the continuance request delays the project, is not based on legitimate issues, and that the receiver has a separate agenda. She said if the City allows the continuance with unspecified objections that the continuance is causing Sunnyvale Associates significant and further damage. She asked that the City ask the receiver to provide their objections in writing to staff to see if there is any substance to the objections. She asked if the receiver's consent is not provided or the receiver does not provide valid objection, that the City have the Planning Commission consider the project over the receiver's objection as the continuance denies the ability to proceed.
Comm. McKenna discussed with staff whether the Planning Commission could ask the receiver about the specific issues, and if the Commission continues this item to July 12, 2010, if the Commission could make sure there were no further delays. Kathryn Berry, Senior Assistant City Attorney, explained this is one integrated project and two property owners and City code requires that applications be submitted with the signature of all owners. Ms. Berry said the receiver/owner has said a variety of things over time from possibly withdrawing their consent, requesting a continuance, to removing the objections. Ms. Berry said granting a continuance is in the purview of the Commission and can be granted if it is not detrimental to the public interest as distinguished from private interest. She said the City received a letter from the lawyer with Bank of America, the receiver, indicating more time is needed to review the report. Ms. Berry said asking the receiver for specific objections would be appropriate and if another continuance is requested it would be up to the Commission whether to grant it. Comm. McKenna said she would like a stronger message be communicated that as long as the issues raised have been addressed, that it may be more difficult to obtain another continuance. Ms. Berry said some of the private issues related to this project are out of the hands of the City, however she is optimistic as the party requesting the continuance said they would need only need the two weeks.

Comm. Rowe discussed with staff the receiver's reasons for asking for a continuance with Ms. Ryan explaining that there is a combination of specified and unspecified items of concern.

Comm. Hungerford discussed with staff the relationship between the two owners.

Comm. Rowe confirmed with staff what could be requested in the motion including requiring the receiver to address their concerns in writing.

Chair Chang closed the public hearing.

Comm. Rowe moved to grant the continuance to July 12, 2010, asking the owner requesting the continuance be at the meeting to make their presentation, and that his objections be provided to staff in writing. Comm. Sulser seconded the motion.

Comm. Rowe said this is an example of why public hearings are important as valid points were brought up by the speaker that needed to be considered.

Vice Chair Travis said he would be supporting the continuance, however he is not happy about it. He said he understands objections from the co-owner need to be addressed, however he doubts the Commission would see anything new.
ACTION: Comm. Rowe made a motion on 2010-7048 to continue this item to the July 12, 2010 Planning Commission meeting as requested by one of the two property owners, asking the owner requesting the continuance be at the meeting to make his presentation, and that his objections be provided to staff in writing. Comm. Sulser seconded. Motion carried 7-0.

APPEAL OPTIONS: This action serves a legal notification of the continuance of this item to the July 12, 2010 Planning Commission meeting.