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## **SUNNYVALE TOWN CENTER PROJECT**

**SUBJECT:** Special Development Permit 2016-7290  
Amended Final Conditions of Approval  
(Approved May 23, 2016)

**LOCATION OF PROPERTY:** 225 S. Taaffe Street  
Sunnyvale, CA 94087

**APPLICANT:** STC Venture, LLC

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### **Excerpt of Amended Final Conditions of Approval Planning Commission Action, Part A**

The amendments of the Final Conditions of Approval shall only apply to the following blocks and lots within the Town Center Project as defined in Tract No. 9925 approved by the City on September 27, 2007 (collectively the "Property"):

- Block 1: Lots 1, 2, 3, 4, 5, 6 and 7
- Block 2: Lots 1, 2, 3 and 4
- Block 3: Lot 1
- Block 4: Unit 2, as shown on the Condominium Plan entitled "Condominium Plan for Lot 1, Tract 10007 Sunnyvale Town Center" and Lot 2 of Tract 10007.
- Block 5: Lots 1, 2 and 3
- Block 6: Lots 1, 2, 3 and 4
- Lot A (public street right-of-way)

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, applicant/developer expressly accepts and agrees to comply with the following conditions of approval of this Special Development Permit (SDP):

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



**Permitted Uses**

- G10. Permitted uses and conditionally permitted uses and required parking uses generally include the residential uses, office, commercial, a hotel, parking, and all other uses which are collectively referred to as the shopping district uses as described below:
- b. Maximum of 292 residential housing units for rental or ownership.
  - d. Maximum commercial retail shopping center square footage of 1,000,000 square feet to include the following uses and restrictions:
    - 4. The following uses require approval of an MPP by the Director of Community Development and with the applicant/property owner as required:
    - e. Ground floor commercial/retail uses incidental to and in combination with residential uses with an individual location greater than 1,000 square feet.

**A23. Architecture - Target**

- 10) The “Future Townhomes” area adjacent to Target shall be used as green space (landscaping, trees, bushes, grass) or residential townhome units only (such units may be offered for rent or for sale.) The area shall not be used for parking, either temporary or permanent.

**Below Market Rate Program**

BMR1. The project is entitled for 292 units and shall provide twelve and one half percent (12.5%) of the total dwelling units (36.5 units in total, with 25 of these provided within Buildings D, E and F) as Below Market Rate (BMR) dwelling units. The dwelling units may be constructed as either rental or ownership units. The first portion of the residential project, 198 dwelling units located in Buildings D, E, and F (“Phase 1”), is proposed by the applicant/developer to be completed as rental units. Applicant/developer shall provide 12.5% of the units (25 units) in Phase 1 as BMR Rental units at rents affordable to low-income households for a minimum affordability term of 55 years as defined in SMC Chapter 19.69. The units shall be administered in accordance with the Affordable Housing Developer Agreement, as provided in paragraph “a” below. If a subsequent phase of the residential project will be for-sale units, that portion of the project shall provide 12.5% of the units (11 units) as BMR ownership units, available for sale at prices affordable to moderate income households, and shall be subject to SMC Chapter 19.67 and the BMR Home Ownership Program Guidelines. If a subsequent phase will be rental units, those portions shall provide 12.5% of the units (11 units) as BMR Rental units, consistent with the terms set forth above for Phase 1. An in-lieu fee equivalent to any fraction of a unit required subsequent to Phase 1 shall be calculated pursuant to methodology determined by the City and paid by the applicant/developer at time of building permit issuance for any units not included in Phase 1.

- a. Prior to issuance of a new or revised building permit for any residential building, the applicant/developer shall enter into an Affordable Housing Developer Agreement (also known as BMR Agreement) with the City that establishes the affordable units and defines the standards for setting the affordable rents, the income qualifications for eligible occupants, the type, size and location of the affordable units within the project, and other applicable terms for renting or selling the affordable units.



- b. All affordable units shall be constructed and offered for rent or sale, as applicable, concurrently with market rate units in that phase, and shall be dispersed throughout the project and shall generally reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. However, because the size of the units in Buildings D, E and F are relatively large for rental units, the Community Development Director shall work with the applicant/developer to designate a larger proportion of the required affordable units within these buildings to be the smaller one-bedroom and two-bedroom units. The specific mix and locations of units shall be more specifically established in the Affordable Housing Developer Agreement.
- c. BMR units shall be constructed concurrently and in proportion with the non BMR units so that upon completion of each residential phase, 12.5% of the completed units will be BMR units.
- d. The City is making this amendment to the SDP to allow the BMR dwelling units to be rental units (rather than for sale units, as approved in the original SDP) at the request of the applicant/developer and for the benefit of the applicant. The Costa-Hawkins Rental Housing Act (California Civil Code Section 1954.50 et seq., the “Costa-Hawkins Act”) does not and in no way shall limit or otherwise affect the restriction of rental charges (rents) for the BMR units. The City approval of this amendment to the SDP falls within an express exception to the Costa-Hawkins Act because the BMR Agreement and the ADDOPA are contracts with a public entity in consideration for a direct financial contribution or other form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the California Government Code.