



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-1072, Version: 1

REPORT TO PLANNING COMMISSION

SUBJECT

File #: 2014-7416 and 2014-7417

Location: 915 DeGuigne Drive and 936 E. Duane Avenue (APNs: 205-21-001 and 205-21-002)

Proposed Project:

Special Development Permit for the redevelopment of a 25.2 acre site with 450 residential townhouse units and a public park;

Vesting Tentative Map to allow 13 lots and 450 condominium units; and

Variance to allow concierge trash service

Environmental Review: Environmental Impact Report. (Certified by City Council 11/17/15)

Applicant/Owner: Watt Investments at Sunnyvale, LLC

Project Planner: Ryan Kuchenig (408) 730-7431, rkuchenig@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan (*Approved by City Council on November 17, 2015*):

- Residential: Medium Density (915 De Guigne Drive);
- Public Facility: Park (936 E. Duane Avenue)

Zoning (*Approved by City Council on November 17, 2015*):

- R-3/PD, Medium Density Residential / Planned Development (915 De Guigne Drive
PF, Public Facility (936 E. Duane Avenue

Existing Site Conditions: Vacant / Industrial Light Manufacturing

Surrounding Land Uses

North: Single Family Residential (across Duane Avenue)

South: Industrial

East: Industrial & Multi-Family Townhomes (across DeGuigne Avenue)

West: Schools: including Kings Academy and Rainbow Montessori

Issues: Architecture, trash service

Staff Recommendation: Make the Findings Required by CEQA and Adopt a Statement of Overriding Considerations and Mitigation Monitoring Program, and Approve with conditions

BACKGROUND

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

Description of Proposed Project

The combined two parcel project site is 25.2 acres in size and is currently developed with several industrial office and manufacturing buildings, formerly occupied by Spansion and Sandis. The proposed redevelopment is for 450 three-story townhouses with on-site amenities and a public park. The resulting density of the site would be 18.5 dwelling units per acre. Proposed communal open

space areas include an approximately 0.55-acre privately owned and operated park, which the applicant is offering for general public use, located near the center of the site. The project would include a landscaped multi-use trail/public access easement from East Duane Avenue to the private park and two small playgrounds located within the project. Public trails would also be located along the perimeters of the site. A new 0.8-acre public park would be situated on the former Sandis site at the DeGuigne Drive and Duane Avenue and would be primarily passive open space with seating areas and walking paths.

- **Special Development Permit**

A Special Development Permit (SDP) is required for projects within the PD Combining Zoning District for site and architectural review. An SDP also allows for consideration of deviations from specific development standards (siting, bulk, and parking) in exchange for superior design, environmental preservation or public benefit. The findings necessary to grant an SDP and deviations are discussed in Attachment 3. The SDP consideration of preliminary landscaping and stormwater management plans.

A maximum of 595 units are allowed with the R-3/PD zoning of 915 DeGuigne Drive. General Plan Policy HE-4.3 states “require new developments to build to at least 75% of the maximum density.” The minimum for the site is 446 units. Therefore, the project meets the policy on minimum number of units.

- **Variance**

A Variance is required for exceptions to zoning code standards when there are difficulties or unique situations (that cannot be considered as a deviation as part of the SDP). The applicant is requesting a variance from SMC 19.38.030, which requires multi-family developments to provide trash and recycling service in the form of centralized trash enclosures or individual carts. In lieu of the options contained in the code, the applicant is proposing concierge trash service. A detailed discussion of the proposed trash service is found in subsequent sections of this report and the findings required in order to approve a Variance are discussed in Attachment 3.

- **Vesting Tentative Map**

The Tentative Map is required prior to recording a Final Map for the creation of 13 lots containing building footprints and common areas, such as streets, landscaping, surface parking, and amenity areas. A total of 450 townhome style units are proposed with condominium (air space) ownership. The Tentative Map shows the location of the proposed lot lines, public and private streets and other improvements. A Vesting Tentative Map vests the developer’s right to build the project for the life of the map and secures the approved project against future Sunnyvale Municipal Code (SMC) amendments that might otherwise affect the project. The Vesting Tentative Map is valid only in conjunction with the approved site plan and conditions of approval. The Tentative Map conditions of approval are listed in Attachment 4. The Final Map is approved by the Director of Public Works and must be in substantial conformance to the Vesting Tentative Map.

Previous Actions on the Site

On November 17, 2015, the City Council amended the General Plan (GP) land use designation and zoning as follows:

915 E. Duane Avenue:

- GP from Industrial to Medium Density Residential;
- Zoning from Industrial and Service (M-S) to Residential Medium Density/Planned Development (R-4/PD).

936 De Guigne Drive:

- GP from Industrial to Public Facility;
- Zoning from Industrial and Service (M-S) to Parks (PF).

In addition, the City Council certified an Environmental Impact Report (EIR) prepared for the site and project. The East Sunnyvale Sense of Place Plan was also approved for the approximate 130-acre area bounded by East Duane Avenue on the north and east, Stewart Drive on the south, and North Wolfe Road, Fair Oaks Park, and the Kings Academy School on the west.

The project site was previously analyzed as part of the East Sunnyvale area Industrial to Residential General Plan Amendment in 2007. The intent of that study was to consider General Plan Amendments and rezonings on 14 parcels totaling approximately 130 acres. The General Plan and zoning land use designation changes were proposed to allow for the conversion and redevelopment of these parcels with residential land uses. At the time, the previous tenant at 915 De Guigne, Spansion, objected to the conversion. Ultimately, Council did not include the subject parcel, and approved about half of the original General Plan Amendment area to allow for residential uses.

EXISTING POLICY

General Plan Goals and Policies: Key goals and policies from the Land Use and Transportation Chapter of the General Plan that pertain to the proposed project are provided in Attachment 3.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) for this Project was prepared in compliance with the California Environmental Quality Act (CEQA). The EIR was certified by the City Council on November 17, 2015 (RTC 15-912). On that date, the City Council also approved the General Plan Amendments, Rezoning, Sense of Place Plan, made the associated findings required by CEQA and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations.

The EIR included an evaluation of the potential impacts associated with the proposed project as well as a maximum build-out mixed use alternative under the medium density residential density designation with commercial development (678 units and 7,000 s.f. commercial uses) located on the 936 Duane Avenue parcel.

Because the approval of the Special Development Permit and Vesting Tentative Map is being heard separately from the EIR certification, Rezoning and General Plan Amendment, Planning Commission is required to make additional CEQA findings and adopt a Statement of Overriding Considerations specific to the approved project.

Mitigation measures for significant impacts were identified and included in the Mitigation Monitoring and Reporting Program (MMRP) that was adopted with the EIR. These mitigations are also incorporated in the Conditions of Approval for this project. Many of the impacts are temporary

impacts due to construction and demolition related activities. As discussed in the staff report for the EIR certification, key impacts that were considered significant for the proposed project include:

- Traffic and Transportation
- Noise
- Biological Resources
- Hazards and Hazardous Materials
- Cultural Resources

Each of the identified impacts would become less than significant with the implementation of mitigation measures with the exception of certain traffic impacts. The EIR identified significant and unavoidable impacts for cumulative conditions at the Lawrence Expressway/Duane Avenue intersection for the maximum build-out scenario. Potential mitigation cannot be implemented due to the reliance of an approval from Santa Clara County for restriping along E. Duane Avenue; however, the maximum build-out is not being proposed.

Also stated in the EIR for both development scenarios, redevelopment of the project site would result in a cumulatively considerable impact to the Fair Oaks Avenue/Duane Avenue intersection. There are no feasible mitigation measures to reduce the identified impacts to the Fair Oaks Avenue/Duane Avenue intersection due to the City's road diet that is approved for Duane Avenue. Approval of the project therefore requires adoption of a Statement of Overriding Considerations.

Mitigation Monitoring & Reporting Program (MMRP)

The adopted Mitigation Monitoring and Reporting Program (MMRP) is included Vicinity and Noticing Radius Map within the Conditions of Approval in Attachment 4. The purpose of the MMRP is to determine when mitigation will occur, who is responsible for conducting mitigation and who is responsible for verifying that mitigation has occurred. The MMRP is required as part of the environmental review under CEQA. The MMRP is incorporated into the Conditions of Approval that are attached to this report.

DISCUSSION

Present Site Conditions

The combined property area is 25.2 acres in size and is currently developed with 483,000 square feet of office/manufacturing facilities in three buildings. The larger parcel is currently accessed by three driveways on E. Duane Avenue and three driveways on De Guigne Drive. The smaller corner parcel is accessed by one driveway on E. Duane Avenue and one driveway on De Guigne Drive.

Site Layout

The project includes a proposal to remove vehicular access off E. Duane Avenue and provide three access points off DeGuigne Avenue. The proposed layout would consist of several groupings of townhomes. The three styles of townhomes are described as "cluster", "small row" and "large row". The cluster townhomes are located at the north end of the site, predominately adjacent to E. Duane Avenue. Small row townhomes are located towards the south and western end of the site. The large row townhomes are positioned in the middle to eastern end of the site. The project includes 317 four-bedroom, 88 three-bedroom, and 45 two-bedroom units that range from approximately 1,400 to 2,500 square feet including garage area. As required by code, the project includes a community clubhouse. A 1,288 s.f. clubhouse is centrally located on the site within a 0.55 acre open space area that is

publically accessible. Two additional common open space areas with playground equipment are also provided elsewhere on the site. As specified with the adopted East Sunnyvale Sense of Place Plan, a publically dedicated pedestrian and bicycle pathway through the western and southern end of the site connects E. Duane Avenue to De Guigne Drive.

The front setback along De Guigne ranges from 20 to 25' while the setback along E. Duane ranges from 15' to 22'. The setback along the western boundary with the former Sunnyvale High School site (now several private schools, including The Kings Academy) is 20'. A 20' setback is also provided from the adjacent properties to the south. The individual townhouse buildings are positioned a minimum of 26' away from each other as required by the zoning code.

The design of the proposed corner public park is subject to review and approval by the Parks and Recreation Commission at a later date to be determined. Preliminary designs include trees that buffer the townhouse development along the western and southern boundary. An open arching lawn area runs from the two intersecting streets. Hardscape with playground equipment is positioned towards the center of the site. Preliminary concepts for the park are provided in Attachment 8. The new park would be complementary to Swegles Park, located about 330 feet to the southeast.

- **Lot Coverage and Floor Area Ratio (FAR)**

Lot coverage and FAR are used to gauge the visual bulk and mass of a project. The project would result in 38.5% lot coverage, where 40% maximum is permitted. Therefore, the proposed lot coverage complies with the code requirement.

The overall FAR for the site is 93%. Staff finds that the proposed FAR is consistent with other townhome projects within the same zoning district. Compliance with setback requirements helps to reduce the visual bulk and mass from the street frontage.

Architecture

The proposal utilizes a mix of architectural styles that are complementary in form and scale for each of the townhouse layouts (cluster, large row, and small row). The small row townhomes are described as "Americana" or "Farmhouse" style and contain a mix of materials including brick veneer towards the base, painted stucco, horizontal siding, and shingle siding within the facades. Board and batten siding is also utilized within the gable portions of the buildings. Varying horizontal building planes add architectural interest as well as appropriate breaks in the roof line. Standing seam metal roofs cover balcony areas with alternative railings (metal and wood) utilized for different buildings of this style. Each facade contains multiple sized windows creating the sense of dividing light. Sill treatment brackets are also utilized to add interest. A varying use of colors is provided within the different buildings of this architectural style.

The large row townhomes are described as "Prairie-style" and utilize long horizontal lines and arched forms. These buildings utilize brick veneer along the base that extends up portions of the building. This style utilizes light sand color stucco for a majority of the façade with portions of a darker color near the garage elevations. The use of a wider horizontal siding (wood appearance) is positioned higher on the elevations. A more simplified window treatment is used, as compared to the other architectural styles. Projecting elements of the building with varying roof height help further break up the mass. Steel and cable railings are utilized for balconies.

The cluster style townhouses are described as contemporary in style. The design for these homes utilizes more horizontal siding material than in the other styles. Similar to the large row homes, brick is utilized along the base and extends at portions of the building. Along the fronts of the building, stucco is utilized to a lesser degree with more stucco along the garages sides of the building. Steel and cable railings are also used for the balconies with standing seam metal roofs. The roof is broken up with different angled forms throughout. A second color palette is also utilized amongst this style of buildings. The clubhouse is designed with this architectural form.

The applicant has made several design enhancements based on feedback from two Planning Commission study sessions. More design variation has been incorporated within the garage doors of each architectural style as well as more color variations for certain styles. More front door colors have been introduced. The use of brick on certain elevations extends to three stories at certain locations.

Parking and Circulation

Parking requirements are based on the type of assigned spaces, such as one or two-car garages, and number of bedrooms. The project proposal includes a total of 1,181 parking spaces, which exceeds the 1,167 amount of spaces required per Municipal Code requirements. Most of the units will have side-by-side garages for two vehicles. A total of 32 units would maintain one-car garages, while 16 units would have tandem style garages for the parking of two vehicles.

A total of 313 unassigned parking spaces are provided throughout the site. The number of unassigned spaces was designed originally assuming that the tandem parking is to be credited as only one covered space. More recent updates to the City's parking code now allow for tandem configurations to be counted as two spaces; therefore the project slightly exceeds the total required. There are no compact spaces designed for the project. The project meets requirement for bicycle parking through use of the individual garages for each unit. Bicycle parking will also be provided near the clubhouse building. Similar to other multi-family developments, Conditions of Approval require a Parking Management Plan to be submitted prior to Building Permit approval.

Landscaping and Tree Preservation

The project exceeds the minimum landscaped area requirement by providing a total of 408,825 s.f. of landscaping (38% of the site), where 212,794 s.f. is required (20% of the site). The project exceeds the minimum usable open space requirement by providing approximately 520 square feet per unit, where 400 square feet minimum is required. In addition to common open space areas, the townhouse units maintain private patios and balconies. Overall, impervious surface is decreased from 78.5% to 61.7% for the site. Several tree lined paseos also run between the buildings.

The centrally located private street with pedestrian walkways on each side off De Guigne Drive is lined with trees that open up to larger open space area and the main clubhouse. A multi-use pathway continues from the center of the site to E. Duane Avenue. As stated previously, a publically dedicated pedestrian pathway runs along the perimeter of the site.

A total of 314 trees were evaluated on the site of which 198 are protected trees by code definition. A total of 39 trees are to be protected and remain in place. The majority of the trees planned for preservation are located along the De Guigne Drive frontage. A total of 159 trees considered "protected" are planned to be removed. In an effort to preserve additional healthy trees on-site, the applicant's arborist has noted that 19 of these protected trees are candidates for relocation. The remaining 140 trees are not considered good candidates for replanting based on condition or species.

Staff has included Condition of Approval BP-11j 12j to require transplanting of the 19 identified protected trees and further explore additional replanting of additional trees where possible. The site layout complies with tree shading requirements by providing the minimum 50% shading over parking and drive aisles.

The project includes approximately 693 new trees of varying size and species for the site which meets City policies for replacement. Conditions of Approval further ensure that tree protection measures are met for trees that are scheduled to be retained. The following table provides more detail regarding the required replacements:

Tree Quantity to be Removed	Trees Sizes to be Removed	Replacement Size Required	Required Replacement Quantity and Size	Proposed Replacement and Size
101	12"-18"	(1) 24" BOX OR (2) 15 GAL	(101) 24" BOX	
72	18"-24"	(1) 36" BOX OR (2) 24" BOX	(144) 24" BOX	
33	OVER 24"	(1) 48" BOX OR (2) 36" BOX OR (3) 24" BOX	(32) 36" BOX (16X2) (51) 24" BOX (17X3)	
Total			(296) 24" BOX (32) 36" BOX	(661) 24" BOX (32) 36" BOX

Trash and Recycling Facilities

SMC 19.38.030 currently allows for two options for trash and recycling services for townhome developments. The first option is to provide individual cart service. Carts are stored inside the garages (or in side yards) and are put out in a staging area during pick-up day. The second option is to provide centralized trash enclosures. Enclosures are required to be within 150 feet of each residential unit. A project of this size and layout would generally be required to provide 18 trash enclosures. The solid waste collection service would then collect the trash and recycling within each enclosure.

The applicant is proposing concierge trash service in lieu of the two options provided in the SMC. This type of service is currently being utilized or has been approved for one site in Sunnyvale, as well as in Milpitas, Santa Clara, and San Jose. The project located at 701 E. Evelyn Avenue was approved in February, 2015 for concierge trash service. This type of trash service is a hybrid of the services permitted in the SMC. Residents are given two bags, one black bag for garbage and one clear for recycling. Bags are set out on scheduled pick-up days, which are typically once or twice a week based on the needs of the residents. During non-pick-up days, the bags are stored within the garages. A trash hauler, typically a small (non-commercial) truck, collects the bags and transports them to a trash compactor. The proposed trash compactor is located at the western end of the site where the private street turns north and east. The solid waste collection service would then collect the trash and recycling from the single trash compactor location.

The proposed concierge service provides several benefits, including less land devoted to trash and recycling facilities (more space for other site amenities), single pick-up location for trash collection (shorter truck route and efficient pick-up), less cost for tenants than traditional trash service (reduced

private street wear and tear and fewer pick-up days). Potential issues include noise emitted from the trash compactor and guaranteed long-term operation of the concierge trash service by the HOA.

Noise generated from the compactor will be required to comply with the daytime Sunnyvale noise limit of 60 dB. To address the possibility of residents deciding to discontinue the concierge trash service in the future, staff recommends language in the CC&Rs that informs residents future modifications to the trash service on-site may include significant modifications to the site and will require approval by the City of Sunnyvale (per Conditions of Approval in Attachment 4). The responsibility of the homeowner's association and individual residents, such as rules for storing trash bags and staging during collection times, will be properly documented in the CC&RS. The CC&Rs will be subject to review and approval by city staff during the final map phase.

Green Building

A minimum of 80 Build It Green points are required for new multi-family residential construction. With 110 points or greater, the project may increase building height, lot coverage, or density. A GreenPoint Rated checklist was prepared by the applicant with 110 points targeted. A portion of the site lies within a flood zone; therefore, certain buildings will be graded up two to three feet to comply with flood zone requirements. The applicant proposes to utilize the incentive to allow for the increased building height from 35 feet to 40 feet.

Below Market Rate Housing

The project complies with the City's 12.5% below market rate (BMR) requirement, by providing BMR units within the development. 56 units will be built and a fee will be paid for the fractional difference (0.25).

Sense of Place Plan Improvements

As part of the East Sunnyvale Sense of Place Plan, several private and public improvements are required of the project. These improvements include wider sidewalks and enhanced bike lanes. An enhanced intersection at E. Duane Avenue and San Miguel Avenue will include a pedestrian bulb-out. The intersection treatment will also include curb extensions on both the north and south side of E. Duane Avenue to shorten the pedestrian roadway exposure. The bike lane that is being installed will be raised through the bulb-out area, and high visibility crosswalks with in-pavement lights will be installed on both east and west legs of the intersection.

Sidewalk and street design configuration is specified within the plan. The Sense of Place plan will not conflict or modify the approved road diet that is already under construction for E. Duane Avenue at this location. The purpose of the plan is to enhance pedestrian and bicycle improvements that will be required of nearby private redevelopment. Certain directional and accent lighting will be required of the project to implement as shown in the plan near the site. Benches for seating are also called out for four locations along the project frontages.

As previously noted in the staff report, the project will include a multi-use (pedestrian and bicycle) pathway that runs through the site and along the western and southern boundary of the site. For more information regarding these improvements, reference Chapter 3 of the Sense of Place Plan. (Attachment 7)

Sense of Place fees are discussed below in the Fiscal Impacts section of this report.

FISCAL IMPACT

All residential projects are required to pay a park in-lieu fee unless dedicated park land is provided as part of the project. The larger parcel does not meet the City standards for park land dedication. In this case, the applicant proposes to dedicate the corner property (0.8-acres) to the City for a public park. This parkland dedication would partially satisfy the City's park dedication requirements, which is 4.05 acres for the proposed project. The applicant proposes to satisfy the remaining park dedication requirement with in-lieu fees that would total approximately \$13.6 million under the City's existing ordinance and current fee schedule. Additionally, the applicant proposes to provide improvements at the park, which would constitute a contribution over and above the required in-lieu fees.

The project is not required to pay a Transportation Impact Fee (TIF), as the previous use generated more peak hour trips than the proposed project.

The project will be subject to a Sense of Place Fee for neighborhood pedestrian and streetscape improvements. The Sense of Place fee is calculated based on the estimated costs for the improvements and a pro-rated share of benefit for developments within the East Sunnyvale Sense of Place area. A Sense of Place fee, specific to East Sunnyvale, will be presented to City Council as a Resolution. These fees are currently estimated at \$2,295.42 per dwelling unit. Based on this rate, the total fee is estimated at \$1,032,939.00 and will be required to be paid at time of building permit issuance.

The project would also generate increased property tax revenue from the increase in the assessed land value, and new residents would generate new sales tax from retail expenditures in the city. This increase in revenue would offset the cost of new City services needed by these new residents.

PUBLIC CONTACT

Notice of Public Hearings

- Published in the *Sun* newspaper
- Posted on the site
- 1,331 notices were mailed to property owners and residents within 1,000 ft. of the project site
- Notices were emailed to the San Miguel Neighborhood Association and interested parties

Staff Report

- Posted on the City's Web site
- Provided at the Reference Section of the City's Public Library
- Made available at the City's One-Stop Permit Center

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City's Web site

Outreach Meeting

The applicant conducted an outreach meeting on September 17, 2014. The meeting notification radius is depicted in Attachment 1, which includes all properties located a minimum of 1,000 feet from the edge of the site. In addition to City staff, about 23 members of the public attended. The applicant has also attended a San Miguel Neighborhood association meeting to discuss the project. At this meeting, the applicant made a presentation on the proposed project and answered questions from

those in attendance.

Planning Commission Study Session

Two separate Planning Commission study sessions were held for this project to discuss the site layout and architecture on September 14, 2015 and November 9, 2015. The commissioners were generally supportive of the site layout with most of the discussion related to possible improvements to each of the architectural styles that are proposed. Additional questions related to the planned tree species for the site and whether trees targeted for removal could be replanted elsewhere. As discussed earlier in the report, the applicant has made enhancements to the design in response to these comments. The applicant has also agreed to consider relocation of certain trees on site where possible.

Comments received from the Public

Staff has received comments from two members of the public, which are included in Attachment 10. Comments relate to the proposed amount of parking (pages 1-7) for the development and a request for more affordable housing. Staff notes that the project exceeds minimum standards for parking required of multi-family residential projects. Although additional parking could be considered desirable, modifications would require reconfiguration of the site layout that would likely reduce landscaping and open space and/or number of units. Staff finds that the proposal adequately balances the need to meet each of the development standards as well city policies to meet minimum residential density for the underlying zoning. A separate letter (pages 8-36) was submitted by a member of the public that requests that the development be reconsidered to provide more affordable housing. Staff notes that there are a few items in the letter that are not correct and further notes that BMR units are not subsidized by the state and federal government and do not receive any public subsidies. Further, staff notes that the City cannot direct that a private property be used for affordable housing beyond what is required by ordinance

ALTERNATIVES

1. Make the findings required by CEQA, Adopt a Statement of Overriding Considerations and Mitigation Monitoring Program
2. Approve the Special Development Permit, Variance, and Vesting Tentative Map with attached findings and conditions.
3. Approve the Special Development Permit, Variance, and Vesting Tentative and with modified conditions.
4. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1 and 2, Make the Findings Required by CEQA, Adopt a Statement of Overriding Considerations and Mitigation Monitoring Program, and approve the Special Development Permit, Variance and Vesting Tentative based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4.

Prepared by: Ryan Kuchenig, Senior Planner

Reviewed by: Gerri Caruso, Principal Planner

Approved by: Andrew Miner, Acting Planning Officer

ATTACHMENTS

1. Vicinity and Noticing Radius Map
2. Project Data Table
3. Findings for Approval and General Plan Goals and Policies
4. Recommended Conditions of Approval including the Mitigation Monitoring and Reporting Program
5. Project Plans
6. Resolution Making Findings & Statement of Overriding Considerations
7. East Sunnyvale Sense of Place Plan
8. Preliminary Park Layout Concepts
9. Trash Management Plan Provided by the Applicant
10. Comments Received From the Public