

## **RECOMMENDED FINDINGS**

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS CONSISTENT WITH THE LAND USE AND TRANSPORTATION ELEMENT (LUTE) ENVIRONMENTAL IMPACT REPORT (EIR)**

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The Planning Commission hereby makes the following findings:

1. The Planning Commission has independently reviewed the programmatic Draft and Final Environmental Impact Reports for the Land Use and Transportation Element (LUTE) of the Sunnyvale General Plan, State Clearinghouse #2012032003 (the “LUTE EIR”).
2. The LUTE EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the LUTE. In addition, the LUTE EIR identified significant and unavoidable impacts with regard to transportation, air quality, cultural resources, and noise.
3. On April 11, 2017, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LUTE EIR, and adopted the LUTE.
4. In addition to serving as the environmental document for the adoption of the LUTE, the LUTE EIR was intended by the City to serve as the basis for compliance with CEQA for projects that are consistent with the development density established by the LUTE in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. These sections provide that if an environmental effect of a project is not peculiar to the parcel or the project, has been addressed as a significant impact in the EIR, or can be substantially mitigated by the imposition of uniformly applied development standards or policies, then an additional EIR need not be prepared on the basis of that effect.
5. The City has analyzed the proposed Project to determine if the Project meets the criteria for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.
6. The LUTE designates the Project Site as “Transit Mixed Use”. This designation authorizes a base density of 54 dwelling units per acre. The Sunnyvale Municipal Code (SMC) Section 19.18.025 allows a density bonus of up to 35 percent above the maximum allowable density for affordable housing projects meeting the State Density Bonus Law definitions [Government Code section 65915(d)(2)(B)]. The project is

providing a 100 percent affordable housing project of 90 units and therefore, the project is consistent with the density designation.

7. The LUTE contains a number of goals, policies, and implementing actions that affirm the General Plan's vision for sustainable development, including Policy LT-2.1 (sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings), LT-2.1b (encourage green features), and LT-2.1c (establish incentives that encourage green building practices beyond mandated requirements).
8. The project is proposed to meet 120 points in Build-It-Green's Green Point rating system. The Project would also implement a transportation demand management program for multi-family developments to encourage development near major transit stops, commercial uses, and 100 percent affordable housing.
9. Section 15183(f) of the CEQA Guidelines provides that an effect of the project on the environment shall not be considered "peculiar" to the project for purposes of Section 15183 if the effect can be substantially mitigated by the imposition of uniformly applied development standards or policies.
10. Based on the environmental checklist for the Project and other information in the record, and after duly noticed public hearing, the City finds as follows:
  - a. The Project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan.
  - b. The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the LUTE EIR and applicable to the Project.
  - c. The Project will have no environmental effects that:
    - i. are peculiar to the Project or the parcel on which the Project is located;
    - ii. were not analyzed as signification in the LUTE EIR;
    - iii. are potentially significant off-site impacts or cumulative impacts which were not discussed in the LUTE EIR; or
    - iv. are previously identified significant effects which, as a result of substantially new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the LUTE EIR.
  - d. Accordingly, the City finds that no additional EIR needs to be prepared for the Project.
11. The Department of Community Development, Planning Division, is the custodian of the records of the proceedings on which this decision is

based. The records are located at Sunnyvale City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.

## **Special Development Permit**

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In order to approve the Use Permit, the Planning Commission must be able to make at least one of the following findings:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (*Finding met.*)

Key goals, objectives, and policies from the General Plan are listed below:

### **General Plan**

#### Distinguished City Image

*Policy CC-1.3 – Ensure that new development is compatible with the character of special districts and residential neighborhoods.*

#### Adequate Housing

- *Policy HE-1.1 – Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development, and live-work housing.*

#### Adequate Housing Sites

- *Policy HE-4.1 – Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.*
- *Policy HE-4.5 – Provide opportunities and incentives for mixed-use, multi-family infill, and transit-oriented development in Downtown Sunnyvale as part of the City’s overall revitalization.*

#### Equal Housing Opportunities

- *Policy HE-5.4 – Continue to address the special needs of persons with disabilities through provision of supportive housing, accessibility grants, and development of procedures for reasonable accommodation.*

#### Sustainable Neighborhoods

- *Policy HE-6.6 – Encourage use of sustainable and green building design in new and existing housing.*

#### Complete Streets that Balance all Transportation Modes

- *Policy LT-3.22c – Minimize driveway curb cuts, and require coordinated access.*
- *Policy LT-3.22a – Provide clear, safe, and convenient links between all modes of travel, including access to transit stations/stops and connections between work, home, commercial uses, and public/quasi-public uses.*

- *Policy LT-3.22b – Encourage the incorporation of features that enhance street public spaces, such as street trees, public socialization spaces, and sidewalks separated from the curb.*

#### Protected, Maintained, and Enhanced Residential Neighborhoods

- *Policy LT-6.1 – Improve and preserve the character and cohesiveness of existing residential neighborhoods.*

#### Diverse Housing Opportunities

- *Policy LT-7.2 – Determine the appropriate residential density for a site by evaluating the site planning opportunities and proximity of services (such as transportation, open space, jobs, and supporting commercial and public uses).*
- *Policy LT-7.5 – Consider the impacts of all land use decisions on housing affordability and on the housing needs of special needs groups within Sunnyvale.*

#### Balanced Economic Base

- *Policy LT-12.3 – Support a variety of land and building ownership forms, including business condominiums, planned developments, and more traditional single-owner developments.*

#### Healthy City

- *Policy LT-8.5b – Enhance connectivity by removing barriers and improving travel times between streets, trails, transit stops, and other pedestrian thoroughfares.*
- *Policy LT-8.5d – Promote separation of streets and sidewalks with planter strips and widened sidewalks, especially on streets with no parking lane.*

### **Downtown Specific Plan**

#### Goals & Policies

- *B – Establish the Downtown as the cultural, retail, financial and entertainment center of the community, complemented by employment, housing and transit opportunities.*
  - *B.2 – Encourage below-market-rate housing in all residential neighborhoods.*
- *D – Protect and enhance existing neighborhoods*
  - *D.3 – Encourage intensification or specified high-density residential and commercial districts while maintaining the character and density of single-family neighborhoods surrounding the downtown.*

#### General Design Guidelines

- *B.6 – “Corporate architecture” and generic designs are strongly discouraged unless compatible with the architecture. Design each project specifically with respect to its own surrounding environment.*
- *B.12 - Emphasize the street level with the highest quality materials and detailing.*
- *B.13 - For upper floors, articulation is the most important quality. Continuous flat facades should be avoided through recessed windows, awnings, French balconies, bay windows and vertical elements.*
- *B.15 - Use variable heights and roof forms to break up the building mass. Do not present a uniform block of building built to the maximum height limit.*
- *B.16 - Create architectural relief, definition and shadow by recessing storefronts, windows, and entry doors at least 6 inches.*
- *B.19 - Avoid blank facades.*

*West of Mathilda Avenue District Required Design Features*

- *Mathilda-facing retail space shall be provided at the corners of Olive, Iowa, McKinley, and Washington. Ground floor retail space shall be double height. Alternatively, a minimum 16-foot floor-to-floor height can be provided at the ground floor facing Mathilda to permit flexible space for either retail or residential use.*

The project site is 1.44 acres in size and is currently comprised of six (6) City-owned parcels with single family and duplex residences, detached garages, and vacant lands. The project site has three frontages on South Mathilda Avenue, West Iowa Avenue, and Charles Street. The Cityline (Sunnyvale Downtown) project is located to the east across S. Mathilda Avenue, commercial and single-family and multi-family residences are located south across W. Iowa Avenue, and single-family residences are located across Charles Street to the west. On the north side of Block 15 directly adjacent to the project site are single-family and multi-family residences, and the 75-unit mixed use project is under construction on the north end of Block 15. The proposed project meets the goals and policies of the General Plan and Downtown Specific Plan as listed above by providing a 90-unit affordable housing development with 25 percent of the units for the developmentally and intellectually disabled. The project utilizes the State Density Bonus Law.

The site is within close proximity of transit, commercial, and employment areas. The project would provide street improvements, street trees, bicycle parking, and street lighting consistent with other recent multi-family residential developments in the vicinity. The high quality design and materials of the project as well as the preservation of three street trees will enhance the neighborhood aesthetics and contribute positively to the streetscape. The units facing the residential neighborhood has been

designed to a scale and height reflective of the existing homes and scales up to four stories on the Mathilda Avenue side.

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. (*Finding met.*)

The project complies with all development standards of the Downtown Specific Plan Block 15 zoning district, such as setbacks, lot coverage, landscaping, usable open space and solar access. The project will be utilizing the State Density Bonus Law to achieve an additional 35 percent density increase above the base density of 54 dwelling units per acre. The State Density Bonus Law allows for concessions or deviations from development standards. The project will be deviating from the minimum distance between buildings requirement and the 150-foot distance requirement to the trash facilities for all units. The project design incorporates conceptual contemporary style architecture which draws from architectural elements of the adjacent residential neighborhood such as linear siding, peaked roof forms, and simple forms. The project design will enhance the streetscape where there are other four-story developments, two-story multi-family, and single-family homes.