

RECOMMENDED FINDINGS

CEQA FINDINGS FOR PROJECTS CONSISTENT WITH CEQA GUIDELINES SECTION 15183

The Planning Commission hereby makes the following findings based on the Environmental Checklist for the 1040 East El Camino Real Project (the "Project") prepared by Michael Baker International, dated October 18, 2024 ("Environmental Checklist"):

A. CEQA Guidelines Section 15183

1. The Planning Commission has independently reviewed the programmatic Environmental Impact Report for the El Camino Real Specific Plan, State Clearinghouse #2017102082 (the "ECRSP EIR").
2. The ECRSP EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the build out anticipated by the ECRSP. In addition, the ECRSP EIR identified significant and unavoidable impacts regarding air quality.
3. On June 20, 2022, the City Council certified the ECRSP EIR as prepared in accordance with the California Environmental Quality Act, made Findings required by CEQA, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and adopted the ECRSP.
4. In addition to serving as the environmental document for the adoption of the ECRSP, the ECRSP 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 ECRSP in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. CEQA Guidelines Section 15183 provides that where a project is consistent with the use and density established for a property under an existing general plan or community plan for which a city has previously certified an EIR, additional environmental review is not required "except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." CEQA Guidelines Section 15183 further provides 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 ECRSP contains a number of goals, policies, and implementing actions that affirm the General Plan's vision for sustainable development, including its vision statement (which refers to advancing sustainability), Guiding Principle 1 (support a multimodal transportation network), LU-P3 (mix of housing, retail, services and small office), BN-G1 (support bicycle activity), P-G1 (support multimodal forms of transportation), P-G2 (reduce vehicle trips), and P-2 (TDM program compliance).
7. The project will be utilizing the City's Green Building Incentive to meet 90 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 a major transit route, commercial uses, and install bicycle facilities, multi-modal way finding stations, and distribute TDM information.
8. The environmental checklist prepared for the Project concludes that the project would not result in significant impacts peculiar to the Project or Project site or any significant impacts that were not analyzed or discussed in the ECRSP EIR and/or are substantially mitigated by the imposition of uniformly applied development policies or standards. Additionally, the Project would not result in any potentially significant off-site or cumulative impacts that were not discussed in the ECRSP EIR. Also, there are no significant effects that substantial new information shows would be more severe than discussed in the ECRSP EIR. Thus, the City may rely upon the analysis in the certified ECRSP EIR, and no further CEQA review is required.
9. Based on the environmental checklist for the Project and other information in the record, and after a duly noticed public hearing, the City finds as follows:
 - a. The Project is consistent with the El Camino Real Specific Plan (ECRSP).
 - b. The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the ECRSP EIR and applicable to the Project.
 - c. With application of mitigation measures and/or uniformly applied development standards and policies, the Project would result in no (1) peculiar or specific impacts, (2) impacts not analyzed in the ECRSP EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the ECRSP EIR, and (4)

- there is no substantial new information indicating that an impact would be more severe than discussed in the ECRSP EIR.
- d. 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 significant effects in the ECRSP EIR;
 - iii. are potentially significant off-site impacts or cumulative impacts which were not discussed in the ECRSP 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 ECRSP EIR.
 - e. Accordingly, the City finds that no additional EIR or other CEQA document needs to be prepared for the Project. The Project is determined to be consistent with the ECRSP EIR.
10. 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 Avenue, Sunnyvale, CA 94086.

SPECIAL DEVELOPMENT PERMIT

Guiding Principles, Goals, and Policies that relate to this project are:

GENERAL PLAN LAND USE AND TRANSPORTATION ELEMENT (LUTE)

Guiding Principle (Complete Community): Create a place to live that is less dependent on automobiles and reduces environmental impacts, with distinctive activity centers and neighborhoods with character and access to nearby services.

Goal LT-1 (Coordinated Regional and Local Planning): Protect the quality of life, the natural environment, and property investment, preserve home rule, secure fair share of funding, and provide leadership in the region.

Policy LT-1.2: Minimize regional sprawl by endorsing strategically placed development density in Sunnyvale and by utilizing a regional approach to providing and preserving open space for the broader community.

Policy LT-1.3: Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.

Policy LT-1.7: Emphasize efforts to reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.

Policy LT-1.10: Participate in federal, state, and regional programs and processes in order to protect the natural and human environment in Sunnyvale and the region.

LT-1.10e: Continue to evaluate and ensure mitigation of potential biological impacts of future development and redevelopment projects in a manner consistent with applicable local, state, and federal laws and regulations.

LT-1.10f: Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

Goal LT-2 (Environmentally Sustainable Land use and Transportation Planning and Environment): Support the sustainable vision by incorporating sustainable features into land use and transportation decisions and practices.

Policy LT-2.1: Enhance the public's health and welfare by promoting the City's environmental and economic health through sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings, including measures in the Climate Action Plan.

Policy LT-2.2: Reduce greenhouse gas emissions that affect climate and the environment through land use and transportation planning and development.

Policy LT-2.3: Accelerate the planting of large canopy trees to increase tree coverage in Sunnyvale in order to add to the scenic beauty and walkability of the community; provide environmental benefits such as air quality improvements, wildlife habitat, and reduction of heat islands; and enhance the health, safety, and welfare of residents.

LT-2.3d: Require tree replacement for any project that results in tree removal, or in cases of constrained space, require payment of an in-lieu fee. Fee revenues shall support urban forestry programs.

Goal LT-3 (An Effective Multimodal Transportation System): Offer the community a variety of transportation modes for local travel that are also integrated with the regional transportation system and land use pattern. Favor accommodation of alternative modes to the automobile as a means to enhance efficient transit use, bicycling, and walking and corresponding benefits to the environment, person throughput, and qualitative improvements to the transportation system environment.

Policy LT-3.2: Refine land use patterns and the transportation network so they work together to protect sensitive uses and provide convenient transportation options throughout the planning area.

LT-3.2b: Require needed street right-of-way dedications and improvements as development occurs. Any additional right-of-way beyond that required by the roadway classification should be used for alternative mode amenities, such as bus pullouts or medians, wider bike lanes, or walkways.

Policy LT-3.5: Follow California Environmental Quality Act requirements, Congestion Management Program requirements, and additional City requirements when analyzing the transportation impacts of proposed projects and assessing the need for offsetting transportation system improvements or limiting transportation demand.

Policy LT-3.6: Promote modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trip lengths locally and regionally.

Policy LT-3.10: Prioritize street space allocated for transportation uses over parking when determining the appropriate future use of street space.

Policy LT-3.15: Support bicycling through planning, engineering, education, encouragement, and enforcement.

LT-3.15a: Maintain and implement a citywide bicycle plan to maximize the provision of safe and efficient bicycle and pedestrian facilities throughout Sunnyvale.

Policy LT-3.22: Provide safe access to City streets for all modes of transportation. Safety considerations of all transport modes shall take priority over capacity considerations of any one transport mode.

LT-3.22c: Minimize driveway curb cuts and require coordinated access.

Policy LT-3.23: Ensure that the movement of cars, trucks and transit vehicles, bicycles, and pedestrians of all ages and abilities does not divide the community. City streets are public spaces and an integral part of the community fabric.

LT-3.23a: 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.

LT-3.23b: Encourage the incorporation of features that enhance street public spaces, such as street trees, public socialization spaces, and sidewalks separated from the curb.

Policy LT-3.28: Support statewide, regional, and subregional efforts that provide for a safe, effective transportation system that serves all travel modes consistent with established service standards.

LT-3.28c: Monitor and participate in planning and implementation of the Grand Boulevard Initiative and Bus Rapid Transit (BRT) on El Camino Real to ensure that local Sunnyvale interests such as a quality streetscape, bicycle facilities, and pedestrian facility enhancements are incorporated and that capacity for transit does not sacrifice safety and service for other travel modes.

Goal LT-4 (An Attractive Community for Residents and Businesses): In combination with the City's Community Design sub-element, ensure that all areas of the City are attractive and that the City's image is enhanced by following policies and principles of good urban design while valued elements of the community fabric are preserved.

Policy LT-4.1: Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.

Policy LT-4.3: Enforce design review guidelines and zoning standards that ensure the mass and scale of new structures are compatible with adjacent structures, and also recognize the City's vision of the future for transition areas such as neighborhood village centers and designated parcels within the El Camino Real Specific Plan.

Policy LT-4.4: Avoid monotony and maintain visual interest in newly developing neighborhoods and promote appropriate architectural diversity and variety. Encourage appropriate variations in lot sizes, setbacks, orientation of homes, and other site features.

GOAL LT-7 (Diverse Housing Opportunities): Ensure the availability of ownership and rental housing options with a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the health of the community.

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-7.3: Encourage the development of housing options with the goal that the majority of housing is owner-occupied.

Policy LT-8.5: Promote walking and bicycling through street design.

LT-8.5a: Develop complete streets principles to accommodate all users, including pedestrians, bicyclists, skaters, and wheelchair users, along with motor vehicles in transportation corridors.

LT-8.5b: Enhance connectivity by removing barriers and improving travel times between streets, trails, transit stops, and other pedestrian thoroughfares.

LT-8.5d: Promote separation of streets and sidewalks with planter strips and widened sidewalks, especially on streets with no parking lane.

LT-8.5f: Support streetscape standards for vegetation, trees, and art installations to enhance the aesthetics of walking and biking.

Goal LT-9 (Adequate and Balanced Open Space): Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the City to finance, construct, maintain and operate these facilities now and in the future.

GOAL LT-14 (Special and Unique Land Uses to Create a Diverse and Complete Community): Provide land use and design guidance so that special unique areas and land uses can fulfill their distinctive purposes and provide a diverse and complete community fabric.

Policy LT-14.8: Ensure that development projects provide appropriate improvements or resources to meet the city's future infrastructure and facility needs; and provide development incentives that result in community benefits and enhance the quality of life for residents and workers.

GENERAL PLAN COMMUNITY CHARACTER ELEMENT

Goal CC-2 (Attractive Street Environment): Create an attractive street environment that will compliment private and public properties and be comfortable for residents and visitors.

Policy CC-2.1: Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable, and improve the enjoyment of residential neighborhoods.

Goal CC-3 (Well-Designed Sites and Buildings): Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.

Policy CC-3.1: Place a priority on quality architecture and site design that will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents, and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

Policy CC-3.2: Ensure site design is compatible with the natural and surrounding built environment.

GENERAL PLAN HOUSING ELEMENT

Goal H-1 (Provision of Adequate Housing Sites): Provide adequate sites for the development of new housing through appropriate land use and zoning to address the diverse needs of Sunnyvale's residents and workforce.

Policy H-1.2 (Infill Development Near Transit and Employment Centers): Facilitate new residential infill development near transit and employment and activity centers, such as El Camino Real corridor, Lawrence Station, Downtown Sunnyvale, the Village Centers, and Moffett Park, through incentives and streamlining development consistent with specific plans.

Policy H-1.4 (Minimum Density Requirement): Minimum Density Requirement. Encourage a compact urban form by requiring new development to build to at least 75 percent of the maximum zoning density, unless otherwise stated in a specific plan or an exception is granted by the City Council.

Policy H-4.4 (Parking Standards for Special Needs Housing): Maintain reduced parking standards for special needs housing and housing in close proximity to public transit.

Policy H-4.6 (Objective Design Standards): Maintain and implement the City's multi-family residential, single family residential, and mixed-use design standards to ensure they are clear, objective, and quantifiable to streamline the development review process and increase predictability of review outcomes.

Goal H-6 (Neighborhood Quality): Maintain sustainable neighborhoods with quality housing, infrastructure, and open space that fosters neighborhood character and the health of residents.

Policy H-6.2 (Community Facilities and Infrastructure): Promote neighborhood vitality by providing adequate community facilities, infrastructure, landscaping and open space, parking, and public health and safety within new and existing neighborhoods.

Policy H-6.3 (Neighborhood Circulation and Connections): Continue a high quality of maintenance for public streets, rights-of-way, and recreational areas, and provide safe and accessible pedestrian, bike, and transit linkages (accessibility) between jobs, residences, transportation hubs, and goods and services.

Policy H-6.6 (Sustainable Building): Continue enforcement of City Reach Codes and require the use of sustainable and green building design in new and existing housing.

Policy H-6.8 (Mix of Uses): Continue to permit and encourage a mix of residential, neighborhood-serving retail, and job-producing land uses, as long as there is neighborhood compatibility and no unavoidable environmental impacts.

GENERAL PLAN SAFETY AND NOISE ELEMENT

Goal SN-8 (Compatible Noise Environment): Maintain or achieve a compatible noise environment for all land uses in the community.

Policy SN-8.1: Enforce and supplement state laws regarding interior noise levels of residential units.

Policy SN-8.2: Apply Title 24 noise insulation requirements to all new residential units (single-family, duplex, mobile home, multi-family, and mixed-use units).

Policy SN-8.4: Require development projects to assess potential construction noise impacts on nearby noise-sensitive land uses and to minimize impacts on those uses, to the extent feasible, as determined by the Director of Community Development.

Policy SN-8.5: Require a vibration impact assessment for proposed projects in which heavy-duty construction equipment would be used within 600 feet of an existing structure. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures would occur.

Policy SN-8.13: Consider techniques that block the path of noise and insulate people from noise.

GENERAL PLAN ENVIRONMENTAL MANAGEMENT ELEMENT

Policy EM-8.6: Minimize the impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies.

Goal EM-10 (Reduced Runoff and Pollutant Discharge): Minimize the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating surface runoff controls into new development and redevelopment land use decisions.

Policy EM-10.1: Consider the impacts of surface runoff as part of land use and development decisions and implement BMPs to minimize the total volume and rate of runoff of waste quality and quantity (hydro modification) of surface runoff as part of land use and development decisions.

Goal EM-11 (Improved Air Quality): Improve Sunnyvale's air quality and reduce the exposure of its citizens to air pollutants.

Policy EM-11.2: Utilize land use strategies to reduce air quality impacts, including opportunities for citizens to live and work in close proximity.

Policy EM-11.3: Require all new development to utilize site planning to protect citizens from unnecessary exposure to air pollutants.

Policy EM-11.10: Require development projects to comply with construction best management practices, such as those in BAAQMD's basic construction mitigation measures.

Policy EM-11.15: Reduce vehicle miles traveled per capita or per employee, consistent with Climate Action Playbook and Land Use and Transportation Council policy.

EL CAMINO REAL SPECIFIC PLAN

Vision Statement: The El Camino Real Specific Plan (ECRSP) will support and enhance community-serving retail and provide significant new residential options while advancing sustainability and improving transportation safety and mobility choices.

Guiding Principle 1: Promote a balanced street system that efficiently supports a multimodal transportation network.

Guiding Principle 2: Integrate land uses into local and regional transportation plans and policies.

Guiding Principle 5: Promote housing opportunities that meet the needs of the community.

Land Use Policy LU-P2: Promote development of El Camino Real as a boulevard with a series of distinct neighborhoods, with a unified streetscape, sidewalk improvements, and pedestrian amenities that bind El Camino Real as one cohesive corridor.

Land Use Policy LU-P3: Encourage a land use pattern (comprised of a mix of housing, retail, services, and small office) that creates a range of employment, commercial, and residential areas to support an active daytime and nighttime environment.

Land Use Policy LU-P4: Require pedestrian-oriented building design that incorporates a consistent built frontage along El Camino Real that is interwoven with strategically designed publicly accessible courtyards, plazas, and landscaped open areas.

Land Use Policy LU-P11: Encourage a diverse mix of housing types, including ownership, rental, affordable, and senior housing.

Land Use Policy LU-P13: Encourage development of housing projects that accommodate the needs of large families, elderly individuals, and persons with disabilities, and providing a range of housing type and size options and including amenities such as on-site facilities, open space, and common areas.

Land Use Policy LU-P14: Require new development to build to at least 85 percent of the maximum zoning density unless an exception is granted by the City Council.

Land Use Policy LU-P19: Protect the public realm (e.g., sidewalks, street trees, lighting features, or other infrastructure) by prohibiting encroachment of building features (e.g., patios, entry features).

Land Use Policy LU-P24: Buffer/transition new development located adjacent to existing residential neighborhoods through site planning, land use, and design standards.

Land Use Policy LU-P25: Establish pedestrian and bicycle connections between El Camino Real frontages and adjacent neighborhoods.

Land Use Policy LU-P27: Provide streetscape amenities, such as street furniture and signage, for pedestrians, bicyclists, and transit riders, particularly along El Camino Real frontage.

Land Use Policy LU-P28: Ensure compatibility with the City's adopted Active Transportation Plan to implement standards that ensure greater bicycle circulation and safe pedestrian access.

Street Design Goal SD-G1: Provide a balanced circulation system that is accessible to all modes of travel and consistent with the hierarchy established in the Land Use and Circulation Element Policy LT-3.6.

Street Design Policy SD-P2: Remove on-street parking adjacent to sites on El Camino Real when the site redevelops or by 2030, whichever comes first, and establish a plan/program that allows auto dealers to continue to use the street for vehicle pickup and deliveries.

Street Design Policy SD-P5: Design and implement bicycle and pedestrian infrastructure that is suitable for all ages and abilities per the tools identified in the Active Transportation Plan and the Vision Zero Plan.

Bicycle Network Goal BN-G1: Encourage bicycling in the Specific Plan Area by providing safe and connected bicycle facilities to support bicycle activity along El Camino Real and connector streets.

Bicycle Network Policy BN-P1: Maintain consistency with the City's Active Transportation Plan, which acknowledges the ECR Corridor's significance in local and regional circulation connectivity.

Bicycle Network Policy BN-P2: Require new developments to provide bicycle facilities to help implement the City's Active Transportation Plan and fill in the gaps in the existing and planned bicycle network.

Parking Goal P-G1: Manage parking supply to support multimodal forms of transportation as well as the needs of residential and commercial uses.

Parking Goal P-G2: Reduce vehicle trips in the Specific Plan Area through TDM programs.

Parking Policy P-2: Require all developments with 10 or more residential dwelling units in the Plan Area to comply with the City's Multi-Family Residential TDM Program.

Pedestrian Realm Goal PR-G1: Encourage design and policy decisions that facilitate increased pedestrian activity, reduce pedestrian-related collisions, and enhance pedestrian-friendly conditions along the ECR Corridor.

Pedestrian Realm Goal PR-G2: Provide a pedestrian zone that serves as a public gathering space and efficiently moves pedestrians through the ECRSP Area.

Pedestrian Realm Goal PR-G3: Create a coordinated street environment that is supportive of new development and strengthens connections to important neighborhood destinations such as major shopping centers and community facilities.

Pedestrian Realm Policy PR-P1: Require all new construction, renovations, and retrofits greater than 10,000 square feet in floor area to provide bicycle and pedestrian infrastructure improvements consistent with the goals and policies of this plan.

Pedestrian Realm Policy PR-P3: Maintain a continuous Through Zone that is free of all obstructions and conforms to ADA standards.

Pedestrian Realm Policy PR-P6: Maintain a balance between landscaping and street furnishings and provide a harmonious and attractive pattern of elements within the Furniture Zone to enhance the safety and comfort of the public realm.

Lighting Goal LT-G1: Provide appropriately scaled lighting to create a safe nighttime environment for vehicles, pedestrians, and bicyclists, but do not contribute to excessive light pollution.

Lighting Goal LT-G2: Use lighting to define and enhance the nodes and other areas of high pedestrian activity.

Lighting Goal LT-G3: Projects shall adhere to the lighting guidelines established in the City's Bird Safe Building Design Guidelines.

Lighting Policy LT-P2: Install decorative pedestrian-scaled lighting on El Camino Real.

Landscaping Goal L-G1: Design landscaped areas to improve the comfort of the pedestrian environment, while also prioritizing water conservation.

Landscaping Policy L-P1: Plant street trees on all streets. Street trees should be located in the Furniture Zone. Use medium or large canopy trees on El Camino Real and four-lane connectors. Use pedestrian-scaled, ornamental trees on two-lane connectors and pedestrian pathways.

Landscaping Policy L-P2: Require trees and landscaping to be included in the Frontage Zone of residential frontages.

Landscaping Policy L-P6: Encourage use of permeable paving around planting strips to increase natural drainage.

GRAND BOULEVARD INITIATIVE

Vision: El Camino Real will achieve its full potential as a place for residents to work, live, shop and play, creating links between communities that promote walking and transit and an improved and meaningful quality of life.

The Planning Commission hereby makes the following findings required to approve a Special Development Permit.

1. The proposed project attains the objectives and purposes of the General Plan and El Camino Real Specific Plan (ECRSP) of the City of Sunnyvale.

The proposed project furthers and promotes the vision, guiding principles, goals, and policies of the City of Sunnyvale General Plan and El Camino Real Specific Plan by providing 46 ownership housing units and project design that contributes towards an improved quality of life, a more balanced jobs-to-housing ratio, and minimizes sprawl. The project also contributes to a vibrant, attractive community, with a positive image, high standards of architectural design (complying with the ECRSP's objective design standards), a sense of place, and an enhanced pedestrian experience along El Camino Real's streetscape (through new street trees, sidewalk, pedestrian-scaled lighting, bicycle parking and connections). In addition, the proposed project contributes to the City's diversity of housing stock, providing ownership housing for Sunnyvale residents. The project would enhance the image of the City of Sunnyvale and would create a vital and attractive environment for businesses, residents, and visitors. A detailed list of the General Plan goals and

policies that the project furthers is set forth above, which the Planning Commission incorporates by reference.

For the purposes of Government Code 65863, the project site was included in the site inventory for the City's 2023-2031 Housing Element based on being a transit-oriented development opportunity, development interest, structure age and condition, low floor area ratio (FAR), and low improvement-to-land value (ILV) ratio.

Pursuant to the State Density Bonus Law, the project applicant has requested to utilize a concession to be relieved from the prohibition of residential only development in the Sunnyvale Municipal Code (SMC) Section 19.36.060 Footnote 7 applicable to the project site and a number of waivers from development standards. The concession and waivers meet the State law's requirements for approval due to site constraints and as the concession would result in cost savings to the project, and the project with the concession and waivers would still result in a well-designed project. No new significant environmental impacts would occur with implementation of the project and all approved mitigation in the ECRSP EIR would continue to be implemented.

2. The proposed project 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 high quality design and materials of the project will enhance the neighborhood aesthetics and contribute positively to the streetscape. The modern design incorporates architectural elements such as flat and shed roof forms, vertical articulation with offsets and breaks along the building frontage, wood siding in the insets, and stucco arcades at the base to create a porch and separation for the front entry of the townhouses facing El Camino Real. The proposed design utilizes high quality materials and design, which will contribute to the character of the neighborhood.

Neighborhood impacts are minimized, as the project complies with most development standards that impact the site periphery, such as setbacks, solar shading, and building heights. The buildings are set back at least 50 feet from the south property line, adjacent to existing homes. The buildings facing existing residential are cited perpendicular to the southern property line, therefore, only five of the 46 units face the existing residential neighborhood. In addition, the proposed on-site parking exceeds minimum ECRSP requirements by providing an additional 13 spaces, including four unassigned parking spaces where no unassigned parking spaces are required.

Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the General Plan. The Planning Commission finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings are made, the Tentative Map shall be denied.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

The Planning Commission cannot and does not make any of the above findings and approves the Tentative Map.