

**RECOMMENDED FINDINGS
311 South Mathilda Avenue
2017-7379**

California Environmental Quality Act (CEQA)

In order to adopt the Mitigated Negative Declaration, the City Council must make the following findings per CEQA Guidelines Section 15074:

1. The Mitigated Negative Declaration was prepared and circulated for public review in accordance with the requirements of the California Environmental Quality Act.
2. The City Council has read and considered the Mitigated Negative Declaration and finds on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the proposed Project will have a significant effect on the environment.
3. The Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.
4. The mitigation measures listed in the Mitigated Negative Declaration have been incorporated as conditions of approval of the Project, including a program for reporting and monitoring the measures required to mitigate or avoid significant environmental effects.
5. 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

Goals and Policies that relate to this project are:

General Plan Land Use and Transportation Element

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.

Policy HE-1.2 – Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance.

Adequate Housing Sites

Policy HE-4.2 – Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

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-3.23a – 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.

Policy 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.

Protected, Maintained, and Enhanced Residential Neighborhoods

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

Downtown Specific Plan

DSP Goal A: Develop land uses set forth in the General Plan as amended by the City Council in June 2003 in an attractive and cohesive physical form that clearly identifies Sunnyvale's Downtown.

DSP Goal B: Establish the Downtown as the cultural, retail, financial and entertainment center of the community, complemented by employment, housing and transit opportunities.

Policy B.1 – Encourage mixed uses throughout the downtown when consistent with the district character.

Policy B.2 – Encourage below-market-rate housing in all residential neighborhoods.

DSP Goal C: Promote a balanced street system that serves all users well regardless of their mode of travel.

Policy C.2 – Encourage strong pedestrian and bicycle linkages through the downtown.

Policy C.3 – Promote the use of public transit by intensifying land use and activities near transit cores.

Policy C.4 – Encourage shared parking in the downtown to minimize the amount of land devoted for parking area and manage parking so it does not dominate mode choice decision or the built environment.

DSP Goal D: Protect and enhance existing neighborhoods.

Policy D.1 – Buffer single-family neighborhoods from higher density residential or commercial uses through the use of lower building heights and privacy measures such as increased landscaping and reduction in windows along elevations that directly face single-family properties.

DSP Goal E: Improve street character.

Policy E.1 – Create a sense of arrival and address through the improvement of major arterials to the downtown in accordance with the proposed streetscape designs.

General Design Guidelines

Site Design and Organization:

- *A.1 – Locate private on-site parking below grade or behind active uses. Public parking such as surface lots and on-street parking may be permitted with applicable streetscape design.*
- *A.6 – Provide direct entrances or stoops to street-level residential units such as a porch, platform or staircase, to create an intimate streetscape.*

Architecture and Design Details

- *B.1 – 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.*

*Required Design Features – Blocks 14, 15, 16 and 17**Parking and Access:*

- *Below grade structures are encouraged. Podium parking may be considered if structure is completely hidden from public view.*
- *Entrances to below-grade parking shall occur on side streets (Olive, Iowa, McKinley, and Washington) or if required, on the local lane (frontage road) adjacent to Mathilda.*
- *Access point on Charles shall be limited.*

In order to approve the Special Development Permit, the City Council 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.*)

The proposed project is located on one lot in the Downtown Specific Plan Area – Block 15 at the southwest corner of the South Mathilda Avenue and West McKinley Avenue intersection. DSP Block 15 allows for high density residential and mixed use type developments. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale and the Downtown Specific Plan by providing a transit and pedestrian oriented mixed-use (commercial and residential) development that supports the diversified uses of the Downtown. The project proposes two-story residences on Charles providing a buffer to the neighborhoods to the west and transitioning to five-stories along South Mathilda Avenue. The project retains a long-standing commercial restaurant (Denny's) in the Downtown and provides a variety of residential unit sizes and types including six (6) very low income affordable housing units. The site is located near transit (0.3 miles from the Caltrain Station and directly in front of a VTA bus stop) and facilitates improvement of an enhanced pedestrian sidewalk on all frontages, including a widened sidewalk on South Mathilda Avenue. The project as conditioned will assist in identifying Sunnyvale's Downtown.

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 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, and the quality architecture and site design that relate to the streets and pedestrian realm, provide a sense of arrival into the Downtown area. The residential units that face Charles Street are designed with a scale and character that relate to the adjacent mixed single-family residential homes, duplexes and low scale multi-family residences.

Parking is provided at grade for the commercial use with access from South Mathilda Avenue. The residential parking is provided below grade with access from West McKinley Avenue. The driveway access on Charles Street will be limited to recycling and solid waste pick-up and loading and unloading of delivery trucks. The proposed parking and access site design conform with the design requirements of the Downtown Specific Plan. The proposal, as conditioned, minimizes development impacts on the surrounding properties and allows development complementary to the Downtown Specific Plan goals and image.

The project applies the California State Density Bonus Law and the City of Sunnyvale Green Building Density Bonus by providing 11%, or six (6) very low income Below Market Rate (BMR) units. The project applicant are allowed two (2) concessions from development standards for projects that include at least 10% very low income units. The project is requesting two (2) concessions for maximum building height of 50 feet [Sunnyvale Municipal Code (SMC) Section 19.28.090] and minimum landscape requirement of 20% of the lot (SMC 19.28.110). The building height will be 65 feet and the proposed landscaping is 13.2%.

The project includes request for deviations to the maximum four (4) building stories (SMC 19.28.090), minimum 10-foot setback requirement on Charles Street [SMC 19.28.100(e)], and the minimum distance of 150 feet to a recycling and solid waste enclosure from any dwelling unit [SMC 19.38.030 (e)(1)(K)]. The building height increase (under the concessions) and building story increase by one story are related, and necessary to provide the requested density and allow for the BMR units. The proposed setback on Charles Street is six (6) feet four (4) inches where the requirement is 10 feet. However, the front property line on the Charles Street frontage is located six (6) feet behind the other properties on the block, providing a 56-foot wide right-of-way in front of the property compared to a 50-foot right-of-way on the rest of Charles Street and the request for the deviation is justified. The main recycling and solid waste enclosure will be located on the ground floor near the south driveway on Charles Street. The residences have access to a trash chute on the south side of each floor, however, the distance to the trash chute from some of the residences on the north side would exceed 150 feet. The applicant is proposing a secondary trash vestibule on the north side of each floor, which

would be serviced by the maintenance staff and the trash would be transferred to the main trash enclosure on the ground floor.

Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the General Plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be 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.

Staff was not able to make any of the following findings and recommends approval of the Tentative Map.