

RECOMMENDED FINDINGS

CEQA: AB 130 Exemption Findings

The proposed project is eligible for the statutory exemption added by AB 130 and codified in Public Resources Code Section 21080.66 because it satisfies the applicable criteria, as follows:

- a. The site is 1.45-acre in size, which is less than the 20-acre maximum.
- b. The site is located within Sunnyvale, an incorporated municipality and urban area.
- c. The site has been previously developed with an urban use for a childcare center and office and is currently surrounded by urban uses with single- and multi-family residences.
- d. The project is consistent with the General Plan and Zoning designation of medium-density residential. The project proposes 19.3 dwelling units per acre, where a density between 18 to 24 dwelling units per acre is required. The proposed density also exceeds the minimum density required in AB 130.
- e. There is no historical resource on site.

Accordingly, the project is exempt from CEQA, and no further environmental review is required.

Use Permit

The Planning Commission makes the following findings pursuant to Sunnyvale Municipal Code Section 19.88.050.

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

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.

Policy 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.

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.

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

Goal LT-4: An Attractive Community for Residents and Businesses. In combination with the City's Community Design SubElement, 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-4.3: 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-7.3: Encourage the development of housing options with the goal that the majority of housing is owner-occupied.

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-1.3: Ensure that new development is compatible with the character of special districts and residential neighborhoods.

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-4.6 (Objective Design Standards): Maintain and implement the City's multifamily 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-6.1 (Neighborhood Character): Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

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-8.2: 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 to 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-8.9: Require a site-specific noise study for new development involving noise-sensitive land uses to ensure the noise levels in Figure 6-6 are met. If the project would expose new sensitive land uses (e.g., residences, schools, hospitals) to noise levels exceeding the noise levels in Figure 6-6, all appropriate

noise reduction measures, identified by the study, shall be incorporated into the project.

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.

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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.

Use Permit Findings (SMC Section 19.88.050)

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. [Finding Met]

The proposed project furthers and promotes the vision, guiding principles, goals and policies of the City of Sunnyvale General Plan by providing 28 ownership housing units which includes both market rate and Below Market Rate (BMR) units. The project would redevelop an underutilized site with a townhouse development that includes site and right-of-way improvements such as new trees along the sidewalk that are anticipated to contribute toward improving pedestrian access and quality of life in this area. The project also contributes to a vibrant, attractive

community, complying with a substantial portion of the 2023 Citywide Objective Design Standards for multi-family developments, and providing an enhanced experience along S. Bernardo Avenue and W. Olive Avenue through new street trees and lighting. In addition, the proposed project contributes to the City's housing stock, providing 28 ownership housing for Sunnyvale residents which is consistent with the applicable General Plan and zoning standards with respect to land use and density. The project would enhance the image of the City of Sunnyvale and would create a vital and attractive environment for residents.

Pursuant to State Density Bonus Law, the project applicant has requested to utilize a concession to be relieved from providing further building articulation and achieve 100 points under the Citywide Objective Design Standards Table 4A, Building Elevation Design Strategies, due to the costs required. The requested concession meets the State law's requirements for approval as the concession would result in cost savings to the project. The project is requesting 16 waivers, as outlined in the applicant's Density Bonus Letter (see Attachment 6).

The requested concession and waivers are reasonable due to site constraints and meeting broader policy goals of maximizing housing units and providing on-site parking for future residents and visitors while providing open space.

The applicant has provided technical reports including Phase I and Phase II Environmental Site Assessments. Condition of Approval PF-7 requires the applicant to obtain documentation from the appropriate regulatory agency confirming that all required site remediation measures have been completed, and that any required ongoing monitoring has been addressed, prior to building occupancy. Compliance with this condition would ensure the site is suitable for residential occupancy, and no new environmental impacts are anticipated from implementation of the project.

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 high-quality design and materials of the project will enhance the neighborhood aesthetics and contribute positively to the streetscape. The contemporary architectural style, with modern Craftsman and Farmhouse influences, incorporate design elements such as gable roof forms, vertical projections, and façade offsets to break up the building massing. The proposed materials include brick veneer, wooden vertical lap siding, dark cementitious panels, stucco, asphalt shingle roofs, and standing seam metal awnings. 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, such as floor area, solar shading on adjacent properties, and many landscaping requirements.

The proposed use ensures that the general appearance of the proposed structures will not impair orderly development in the area, as the proposed project is designed per the requirements of the General Plan, Zoning Code, and Citywide Objective Design Standards.

Vesting Tentative Map

Pursuant to Sunnyvale Municipal Code (SMC) Section 18.20.070(e), a Tentative Map may not be approved unless the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. Further, if any of the following findings are made, the Tentative Map shall be denied. The Planning Commission was not able to make any of the following findings. (SMC Section 18.20.070(f).)

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