

## 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 “Medium Density Residential”. This designation authorizes a base density of 24 dwelling units per acre and 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 will be utilizing the City’s Green Building Incentive to meet 110 points in Build-It-Green’s Green Point rating system. The Project would also implement a transportation demand management program for multifamily developments to encourage development near major transit stops, commercial uses, and car share; and install bicycle facilities, multi-modal way finding stations, and distribute TDM information.
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.
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## **Special Development Permit**

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In order to approve the Special Development 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-4.3 – Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.
- 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 69, Action 2 – Enhance connectivity by removing barriers and improving travel times between streets, trails, transit stops, and other pedestrian thoroughfares.

- Policy 69, Action 4 – Promote separation of streets and sidewalks with planter strips and widened sidewalks, especially on streets with no parking lane.
- Open Space, Parks, and Wetlands
- Policy LT-9.1a – Define a minimum open space standard for residential uses, mixed-use developments, business developments, and Village Centers.

The project site is located in a high-density zoning district in a neighborhood that is in transition to high density residential uses. The neighborhood consists of multifamily apartments, single-family homes and light industrial uses. The proposed project meets the goals and policies of the General Plan as listed above by providing 24 ownership housing units in compliance with the planned residential density for the area. 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 and redeveloping the abandoned auto repair site will enhance the neighborhood aesthetics and contribute positively to the streetscape.

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 a majority of development standards of the R-4 zoning district, such as front and rear yard setbacks, lot coverage, parking, landscaping, solar access and solid waste. The project utilizes non-discretionary waivers allowed by State Density Bonus laws for reduced sideyard setbacks, distance between buildings and useable open space. The project will be utilizing the City's Green Building Incentive to achieve an additional 4 percent Lot Coverage over the maximum 40 percent allowed by meeting 110 points in Build-It-Green's Green Point rating system. The project design incorporates contemporary modern style architectural elements such as horizontal and v, flat roof and exposed metal canopies and mix of materials and colors. The project exceeds the required rear yard setback and minimizes windows and balconies, includes tree plantings to minimize its impact on the single-family residential neighbors on the rear. The project design will enhance the streetscape by replacing a vacated auto repair facility and a single-family home.

The following Design Guidelines are applicable to the project. The proposed project meets with most of the guidelines. In cases where the guidelines are not met, staff finds that the adjustments made to design meet the intent of the guidelines.

### City-Wide Design Guidelines

Guideline	Proposed Project
<p>BD-2.2. Adjacent buildings should be compatible in height and scale. <i>Staff Comment: While there may be privacy and visual impacts associated with a four-story building located adjacent to a single-family neighborhood, the project has been designed to minimize those impacts. The proposed buildings have a 40-foot rear and 51-foot setback for the fourth floor, where 20-foot minimum setback is required. No balconies face the rear yard. In addition, rear-yard facing windows are minimized and are limited to high sill or those needed for egress.</i></p>	Not Met
<p>BD-2.5. Step back upper stories of building three stories or taller from public roads and adjacent low scale development to reduce the bulk impact.</p>	Met
<p>BD-3.10. Repeat design and decorative building elements in all elevations and the roof, not just in the front facade.</p>	Met
<p>BD-3.18. Consider privacy in placement of windows on adjacent structures in residential areas. Stagger windows, use high, frosted, or no windows where privacy is a concern.</p>	Met
<p>BD-4.3. Long horizontal roof lines are not acceptable. Interrupt roof line by architectural treatment and features. In nonindustrial areas, the maximum allowable unbroken roof line is 30 feet. Exceptions may be permitted only where a specific architectural style offers other types of roof forms and roof articulation</p>	Met
<p>LA-1.7. Install a minimum of one tree for every 300 sq. ft. of landscaping. Minimum tree size is 15-gallon. Certain percentage of trees should be specimen size.</p>	Met
<p>LA-1.8. All shrubs should be a minimum of 5 gallons. One-gallon size shrubs may be used for accent planting and ground cover.</p>	Met
<p>LA-2.1. Provide a minimum of a 15 ft. wide landscape strip along the public street side of all developments, except for single family residences. Landscape strips of more than 15 ft. are strongly encouraged to enhance the public streetscape.</p>	Met
<p>LA-2.2. Provide a minimum of a 4 ft. wide landscape strip along the sides and rear of all projects. <i>Staff Comment: The project site is narrow and deep and accommodates landscaping strip that varies between 2 feet to 4</i></p>	Not Met

Guideline	Proposed Project
<i>feet; and includes wider landscaped areas along the rear portion of the site.</i>	

### High-Density Design Guidelines

Guidelines	Proposed Project
<b>Basic Design Principles</b>	
<ul style="list-style-type: none"> <li>Integrate new development into the surrounding city fabric New residential projects should fit comfortably into their surroundings with multiple pedestrian linkages to adjacent development and open spaces, and with height, scale and color sensitivity to nearby residential development.</li> </ul>	Met
<ul style="list-style-type: none"> <li>Design projects with internal continuity Residents within larger developments should be able to walk easily to other homes in the development and to reach adjacent neighborhoods and open spaces. Transitions between residential units should avoid abrupt changes in size, bulk and levels of architectural detail.</li> </ul>	Met
<ul style="list-style-type: none"> <li>Provide visual variety in multifamily residential projects A variety of floor plans, elevations, building heights, materials and colors will be expected. However, a unified design approach should be utilized to avoid visual chaos and promote visual cohesion. Design buildings with strong architectural integrity Multifamily residential projects should be designed with 360 degree architecture with materials and details carried around all sides of a structure to avoid a “false front” look and the presentation of unarticulated and unadorned facades to neighboring residences, businesses, parking areas and public view</li> </ul>	Met
<ul style="list-style-type: none"> <li>Respect adjacent neighbors. Every project should be respectful of adjacent residential neighbors. New development should avoid privacy, noise, light and visual conflicts with adjacent uses to the maximum degree possible. Special care should be given to avoiding tall blank walls and mitigating large building volumes immediately adjacent to smaller homes on adjacent parcels, and to the placement and treatment of windows and site landscaping to minimize views into neighboring residents’ windows and private outdoor spaces. Building location and massing as well as landscape placement should also be sensitive to avoiding the blocking of sun exposure and sky views of adjacent neighbors’ windows and private outdoor spaces.</li> </ul>	Met

<b>Site Development</b>	
HD-1.1 Buildings should be located to reinforce the street edge by maximizing building frontage along the street, and should be sensitive to the setback of adjacent development	Met
HD-1.2 A minimum of 15 percent of the building facades should be stepped back to allow entry courts, public plazas, and building articulation at the ground level. <i><u>Staff Comment:</u> Proposed entrances are located in the interior portion of the building and do not include an entry court and associated architectural elements visible from the street.</i>	Not Met
HD-1.3 Primary facades and building entries should face the street, open space areas, or other pedestrian-oriented circulation areas. <i><u>Staff Comment:</u> The subject site is narrow and deep with entries located in the interior of the site. Entries are difficult to add along the front facades of the buildings due to the amount of area accommodated to the garages on the first floor; project includes pedestrian pathways to connect the site to the sidewalks.</i>	Not Met
HD-1.5 Design entries so that they are clearly identifiable from the street.	Met
HD-1.6 Provide a walkway leading from the street to the building entrance if not located directly off of a sidewalk.	Met
HD-1.8 Entry driveways should have strong landscaped edges with terminus views focused on landscaped areas or building entries, not the rear end of parked cars.	Met
<b>Parking</b>	
HD-2.1 Fully below grade parking is encouraged with garage entries placed at the rear or sides of the project whenever possible. Garage entries should be recessed as much as possible from the building facade. <i><u>Staff Comment:</u> Below grade parking is not feasible for this relatively small site with a narrow frontage and the scope of the project (24 units)</i>	Not Met
HD-2.2 Partially below grade parking may be considered if geotechnical constraints are severe but should be limited to a maximum height of 5 feet above grade level unless the garage walls facing the street and pedestrian areas are screened by residential units or commercial development. <i><u>Staff Comment:</u> Partial below-grade parking is not feasible for this relatively small site which would require a grade change and associated sloped driveway that would need to meet fire and trash</i>	Not Met

<p><i>truck standards and cannot be met without reducing the units and/or increasing the setbacks or enlarging the site.</i></p>	
<p>HD-2.5 Parking areas, including guest parking, that do not have assigned parking spaces should not have dead-end drive aisles. <i>Staff Comment: The site is narrow and deep and is serviced by a central driveway. The guest parking occurs towards the end of this driveway which is a dead-end drive aisle with landscaping along this rear fence to soften its appearance.</i></p>	Not Met
<p><b>Open Space and Landscaping</b></p>	
<p>HD-3.1b Provide a minimum of 10 feet of landscaping around all surface parking lots and garage structures.</p>	Met
<p>HD-3.1c Provide a minimum distance of 5 feet between buildings and adjacent driveways or pedestrian walkways unless ground floor uses are limited to commercial shops or offices</p>	Met
<p>HD-3.1d Consider provisions for rooftop gardens for residents of buildings</p>	Met
<p>HD-3.1 Usable, easily accessible and centrally located common open space is expected in all multifamily residential developments.</p>	Met
<p>HD-3.1a All dwelling units within a project shall be provided with usable private open space. Ground floor private patios and decks are best when elevated above adjacent walkways to minimize privacy intrusions. <i>Staff Comment: The site is located adjacent to a freeway with increase sound levels; and although the private balconies are provided, they do not meet acceptable standards to be considered as useable open space.</i></p>	Not Met
<p><b>Building Form and Massing</b></p>	
<p>HD-4.3 Limit blank walls along streets and pedestrian ways to no greater than 20 linear feet without being interrupted by a window or primary entry.</p>	Met
<p>HD-4.4 Include features that add depth, shadow and architectural interest, such as balconies, recesses, cornices, bay windows, and step-backs at upper floors, consistent with the building's style and scaled for pedestrian</p>	Met

<p>HD-4.5 Multifamily developments adjacent to smaller single-family housing should provide a transition in height between the smaller and the taller structures. Consideration should be given to varying the building heights within any single development in any case.</p>	<p>Met</p>
<p>HD-4.6 For larger projects, break up the building mass to appear to be an assemblage of smaller buildings. This can be accomplished by deep insets in building planes, variations in height, and color or materials changes.</p>	<p>Met</p>
<p>HD-4.8 The taller portion of a building (i.e., a tower) should not occupy more than 25 percent of the length of the lot dimension.</p>	<p>Met</p>
<p>HD-4.9 Provide horizontal and vertical wall plane offsets to break up the building mass. Avoid building forms that appear to be large boxes with elements attached to them</p>	<p>Met</p>
<p>HD-4.11 Utilize roof forms and pitches that are similar to those of other structures in the neighborhood <i>Staff Comment: Other structures in this neighborhood have pitched roofs (shed roof on the commercial self-storage building on the west and gable roof on the apartment complex on the east); the project has a contemporary modern architectural style which includes a flat roof which is compatible with the metal roof form on the commercial self-storage building on the west in terms of modern roof lines; additionally the flat roof provides for common useable open space for the residents of this project.</i></p>	<p>Not Met</p>
<p>HD-4.12 Provide buildings with a well defined base, a middle, and a top is to reduce apparent building height and bulk. Significant projecting roof overhangs are strongly encouraged.</p>	<p>Met</p>
<p>HD-4.15 Step back portions of upper floors to reduce the visual bulk of structures.</p>	<p>Met</p>
<p>HD-4.17 Provide a varied building silhouette when viewed against the sky. This may be achieved with variations in roof height, the addition of building elements projecting above the roof eave, and other similar means (see example below).</p>	<p>Met</p>

**Architectural Details**

HD-5.1 Provide distinctive, residential scale building entries	Met
HD-5.2 Provide variations in window design and wall treatments (colors, materials) to reduce uniformity	Met
HD-5.3 Introduce non-reflective glass for greater transparency (e.g. staircases and picture windows).	Met
HD-5.4 Ease harsh edges or corners with angled or curved elements or other architectural treatment	Met
HD-5.5 For balconies and decks facing public streets or pedestrian ways that are large enough to accommodate boxes, bicycles and similar stored materials, provide solid walls on the lower portions of surrounding railings. Fully open railings are acceptable for smaller decks and balconies that are less likely to be used for storage.	Met
HD-5.7 Provide projecting windowsills and heads where these features would be consistent with the architectural style	Met
HD-5.6 Recess doors and windows from the building facade. Avoid windows that are flush or very near the face of the adjacent walls	Met
HD-5.8 Provide trim at door and window openings unless the window frames are recessed at least two inches from the building face.	Met
HD-5.10 Avoid large expanses of unrelieved stucco wall surfaces.	Met
HD-5.12 Provide visual variety through the use of materials - The use of a combination of materials can visually break up larger building masses. This is especially important for projects adjacent to smaller scale development. - Projecting entries are good places to consider a material change. - Use materials with a strong human scale and warmth of feeling at ground floors and entries. Examples include wood, brick and stone.	Met
HD-5.13 Screen utilities from view by integrating them into building or landscape elements	Met
HD-5.15 Structures should include substantial architectural details to add visual variety and human scale. Examples include the following: <ul style="list-style-type: none"> <li>• Horizontal and vertical wall plane changes</li> </ul>	Met

<ul style="list-style-type: none"><li>• Varied roof forms and orientations</li><li>• Bay windows</li><li>• Roof Dormers</li><li>• Material and color changes</li><li>• Applied decorative features</li><li>• Roof segments over windows</li><li>• Metal or wood balcony railings</li><li>• Planter boxes, pot rails and plant rings</li><li>• High quality garage doors with windows</li></ul>	
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### **Vesting Tentative Map**

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In order to approve the Vesting Tentative Map, the proposed subdivision must be consistent with the General Plan. Staff finds that the Vesting Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Vesting 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
6. injure fish or wildlife or their habitat.
7. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
8. 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.
9. 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 Vesting Tentative Map.