

**RESPONSE TO PLANNING COMMISSION QUESTIONS  
RE: 1/27/2025 PLANNING COMMISSION AGENDA**

**Agenda Item #: A**

**Title:** Special Development Permit and Tentative Tract Map for 777 Sunnyvale Saratoga Road

**Planning Commission Question 1:** What is the developer's justification for requesting a Specific Development Plan (SDP) for 100% residential use?

**Staff Response:** Under the State Density Bonus Law (SDBL), the project is entitled to (1) concession and an unlimited number of waivers from development standards and guidelines by providing 15% Below Market Rate (BMR) units for both the townhomes and apartments. One of the waivers requested is a reduction of minimum ground floor commercial area from 12,302 square feet to 2,050 square feet. Therefore, the Special Development Permit (SDP) project before the Planning Commission is not a 100% residential use project.

However, the applicant has submitted a separate application for an Alternative Compliance Plan for the Below Market Rate Ownership and Rental Housing. The Alternative Compliance Plan must be considered by the Housing and Human Services Commission and approved by City Council after a decision is made on the current project. The Alternative Compliance plan will not come back to the Planning Commission, as Planning Commission's discretion is limited to the current project. The Alternative Compliance Plan is to provide 0 BMR townhome units and 160 BMR apartment units (+2 managers units) making the project providing over 66% BMR units.

On October 15, 2024, City Council approved Resolution #1262-24 and Ordinance #3232-34 which modified the mixed-use requirements for new affordable housing developments within the ECRSP area as planned for in the Housing Element of the General Plan. With the approval of the Alternative Compliance Plan, the project would not be required to provide commercial space.

**Planning Commission Question 2:** Where will guest parking be located, and how will delivery services be accommodated for parcel PLNG-2023-0807?

**Staff Response:** There are 18 unassigned parking spaces on the townhome side of the development. There are no unassigned parking (guest) spaces provided on the apartment side of the development. The applicant is requesting to apply the State Density Bonus Law waiver for parking requirements. Staff will present more information about parking at the Study Session tonight. Deliveries will be made by parking in front of each individual townhouse garages. For the apartment, there is a loading zone area near the south driveway on S. Mathilda Ave.

**Planning Commission Question 3:** Has a safety study been conducted to assess the potential impact of increased pedestrian traffic crossing Sunnyvale Saratoga Road (from PLNG 2023-0807) to access the shopping center (e.g., Safeway, 24-Hour Fitness, Auto Shop, Pet Store) across the street? This area includes a heavily trafficked "Y" section where crossing is dangerous even at the lighted crosswalk, often causing traffic backups on Saratoga Sunnyvale Road.

**Staff Response:** The project will be making the following improvements on Saratoga Sunnyvale Road per City's adopted Roadway Safety Plan:

Install a median island on Sunnyvale-Saratoga Road from El Camino Real to Fall River Terrace

Install a northbound left-turn pocket at the driveway along Sunnyvale Saratoga Road and a southbound left-turn pocket near the northern boundary of the project site

Install a mid-block pedestrian crossing across Sunnyvale-Saratoga Road, ADA compliant curb ramps per City standards on both sides of Sunnyvale-Saratoga Road and a HAWK beacon (High-Intensity Activated crosswalk beacon)

The project will also provide a public access easement through the development from Sunnyvale Saratoga Road (across the center pedestrian path) to the south driveway on S. Mathilda Ave. See additional information provided in Question 5 regarding a Local Transportation Analysis that is underway.

**Planning Commission Question 4:** The area (PLNG 2023-0807) includes mature trees that have been home to wild parrots for over 20 years. Will this development impact their habitat, and if so, how will it be mitigated?

**Staff Response:** The project proposes to remove 82 trees onsite of which 10 are protected trees of significant size per Sunnyvale Municipal Code standards. Protected trees will be replaced in accordance with the City's tree replacement standards. There are mature redwood trees along the north side of the project, which are on the adjacent property and will not be impacted by the project.

El Camino Real Specific Plan EIR Mitigation Measure includes BIO-1 which requires "removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but it can vary slightly from year to year based on seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a preconstruction clearance survey for nesting birds shall be conducted within 30 days of the start of any vegetation removal or ground-disturbing activities to ensure no nesting birds will be disturbed during construction." This Mitigation Measure will be included in the Conditions of Approval

**Planning Commission Question 5:** Has a traffic study been conducted to evaluate the impact of the proposed development on traffic patterns?

**Staff Response:** The El Camino Real Specific Plan EIR included a comprehensive transportation impact analysis (TIA) for the land uses programmed for this site. In addition, the Dept. of Public Works/Traffic staff has determined that per Council Policy 1.2.8 Transportation Analysis Policy, Vehicles Miles Traveled (VMT) is now used to identify potential transportation impacts of a proposed land use project to comply with California Environmental Quality Act (CEQA). A VMT analysis is exempted for this project per Council Policy 1.2.8 2. Exemption F: Transit Supportive Projects.

However, a Local Transportation Analysis, at the cost of the developer, is currently under way to study if surrounding major intersections or Congestion Management Plan (CMP) facilities will be impacted by the project. If there are impacts identified, the applicant will be required to make a financial contribution towards future upgrades and improvements or make physical improvements.

**Planning Commission Question 6:** Parking Waiver #18 indicates a nearly 24% gap in parking availability. What has been the City's typical approach to granting similar parking waivers for comparable properties in the past? Does this seem to be a large waiver request? How will the City address concerns about the potentially limited availability of guest parking?

**Staff Response:** As stated above under question # 3, the applicant is requesting to apply the State Density Bonus Law waiver for parking requirements.

The City proposes to add a Condition of Approval to add mechanical lift parking solution to offset the parking deficiency. The applicant has expressed agreement.

**Planning Commission Question 7:** Has this PLNG-2023-0807 property been rezoned in the past? Back in July 2015, project #2015-7399 (located at 777 Sunnyvale-Saratoga Road (APN: 201-36-002)) involved the request for a Special Development Permit (SDP) to re-zone this property for a grocery store. It appears to have had the same owner (Mardit Properties, LP) at the time. Was the SDP approved, or has the property been rezoned in the past by the same owner?

**Staff Response:** The property was rezoned from ECR-C-2 (El Camino Real Precise Plan / Highway Business) to ECRSP-MU54 (El Camino Real Specific Plan / Mixed Use 54 dwelling units per acre) as part of the El Camino Real Specific Plan which was adopted by the City Council in June 2022.

SDP# 2015-7399 was approved by City Council on September 13, 2016, however, the applicant never completed the project. The property owner has never initiated a rezoning of the property.