

**RECOMMENDED FINDINGS
2015-7686
830 El Camino Real**

California Environmental Quality Act

In order to adopt the Mitigated Negative Declaration, the Planning Commission 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 Planning Commission 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 Planning Commission'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 W. Olive Ave., Sunnyvale, CA 94086.

Special Development Permit

In order to approve the Special Development Permit, the Planning Commission must make one of the following two findings:

- 1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.**

This finding can be made for the project as conditioned. The project will enhance the character of the site, surrounding neighborhood, and community through the addition of a new hotel use. Compliance with adopted General Plan goals and policies is discussed below.

Precise Plan for El Camino Real

3.4.3: Provide access to parking for retail and services uses directly from El Camino Real, with the number of access points limited in order to minimize disruption to the smooth flow of traffic on the street.

4.6.1: Basic Design Principles: Projects will maintain a strong landscaped setback along street edges, and will seek to create visual continuity along the street front, except at the nodes where buildings may be placed close to the sidewalk.

4.1.1: Site buildings to reinforce the El Camino Real streetscape.

4.2.4: Provide well designed and articulated building facades

General Plan Goals and Policies

Goal LT-2: Attractive Community - Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

- Policy LT-2.1 Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- Policy LT-2.2 Encourage nodes of interest and activity, such as parks, public open spaces, well planned development, mixed use projects, and other desirable uses, locations and physical attractions.

Goal LT-4: Quality Neighborhoods and Districts - Preserve and enhance the quality character of Sunnyvale's industrial, commercial, and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

- Policy LT-4.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.
- Policy LT-4.2 Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- Policy LT-4.3 Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.
- Policy LT-4.4 Preserve and enhance the high quality character of residential neighborhoods.
- Policy LT-4.5 Support a roadway system that protects internal residential areas from City-wide and regional traffic.

Goal LT-6 Supportive Economic Development Environment -An economic

development environment that is supportive of a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

Goal LT-7: Balanced Economic Base - A balanced economic base that can resist downturns of anyone industry and provides revenue for the City.

Goal LT-6: Supportive Economic Development Environment:

An economic development environment that is supportive of a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

Goal LT-7: Balanced Economic Base:

A balanced economic base that can resist downturns of anyone industry and provides revenue for the City.

Precise Plan for El Camino Real

The following are key goals and policies from the Precise Plan for El Camino Real which pertain to the proposed project:

- **3.2.4** To create a series of quality places which are valued by the people of Sunnyvale as attractive, functional and comfortable destinations.
- **3.2.5** To ensure that properties are developed and operated in such a manner as to minimize their negative impacts upon adjacent residential areas.
- **3.2.6** To require quality site design, architecture and landscaping which incorporate sustainable design principles.
- **3.2.8** To encourage development which supports the use of public transit.

Citywide Design Guidelines

CDG 1-A1: Design projects to be compatible with their surrounding development in intensity, setbacks, building forms, material, color and landscaping unless there are specific planning goals to change the character of the area.

CDG 1-A6: Project perimeter landscaping shall be integrated with the landscaping of adjacent development for streetscape continuity.

The project allows for redevelopment of vacant, under-utilized commercial property and encourages economic pursuits, job opportunities, and enhances the image of Sunnyvale and its economic prosperity.

The project can be accommodated without significant demands on the existing

infrastructure and roadway system. The site is located within an area that is well-served by existing VTA bus lines and roadways.

The project will enhance the character of the site, surrounding neighborhood, and community by adding a new hotel to a former restaurant site. The proposed project uses architecture and high-quality site design as well as adequate landscaping and parking. The proposed building is four stories in height with underground parking and designed with new landscaping along the perimeter of the building and along the edges of the property that would help “ground” the building and adds to the visual character of the streetscape along the El Camino Real frontage.

2. The proposed use ensures that the general appearance of proposed structures, or 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 proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The height of the building is comparable to the multi-family developments and other hotels in the vicinity that range between three and five stories along El Camino Real. There will be minimal impacts to adjacent neighbors because the project provides a 75-foot back from shared property line with single family homes and approximately 38-feet from a three story apartment complex. The perimeter of the property is buffered with a 10-foot decorative concrete masonry wall and landscaping. The rear portion of the hotel property is designed to be a passive area with landscaping and grass pavers. All of the activity centers such as the trash enclosure, parking garage entry, pool and roof terrace are located on the east side of the building, away from residential uses.

Variance

In order to approve the Variance, the Planning Commission must the following three findings:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. (Finding not met)

The project lot is oriented north-south and is trapezoidal in shape with a width of 170 feet and length of 405 feet. The physical shape of the subject property makes it difficult to design a building that meets the standards and the intent of the future development on El Camino Real. The hotel structure has been sited to provide the

required setbacks as well as adequate emergency access. The narrow shape of the lot limits options for the placement of structures onsite. The amount of shading throughout a solar cycle is at 11.2% and is greater than what is contemplated by the proposed zoning changes that limit the shading to 10%. Although the project site limits development potential, the building design can be revised to meet the 10% shading percentage threshold. As such, staff cannot support a variance request of 11.2%. However, a request of 10% could be supported because it would be consistent with the pending ordinance standard.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (Finding not met)

The proposed hotel shades one existing one-story commercial building which are located on the west side the project site and requires a Variance based on the current zoning standard for solar access (more than 10% on the shortest day of the year (December 21) between the hours of 9am to 3pm). The Planning Commission recently recommended a zoning text amendment to the City Council for approval. The draft ordinance allows for an account for a yearly average to enable a fair balance between the interest in allowing older buildings and properties to redevelop in accordance with City plans and in protecting solar access to lower scale buildings. The proposed project exceeds the shade standard even when analyzed as an annual solar cycle.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (Finding not meet)

The site is adjacent to but just outside of the Eastern Node of the Precise Plan for El Camino Real which makes some provisions for greater building height. The written goals and objectives of the General Plan, zoning, and Precise Plan for this area allow for development projects of this height, mass, and scale. The project generally meets the intent of the Precise Plan and would be consistent with new development on El Camino Real and the vicinity if the project is redesigned to allow solar shading to be less than 10% in a solar cycle. The finding could not be met because the proposed shading in excess of 10% would be greater than what is enjoyed by other properties. As such the granting of the variance would constitute a special privilege considering City Council approved a variance for the solar access for a new five story hotel located at 861 E. El Camino Real that had less than 10% shading on a solar cycle.