

Adoption of Mitigated Negative Declaration (Revised)

In order to adopt the Mitigated Negative Declaration, the City Council must make the following findings per the California Environmental Quality Act (CEQA) Guidelines Section 15074.

1. The Mitigated Negative Declaration was prepared and circulated for public review in accordance with the requirements of CEQA.
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 proposed revisions to the Mitigated Negative Declaration add information that merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. The revisions do not identify any new significant effects which require new mitigation measures or project revisions in order to reduce the effect to insignificance. The mitigation measures proposed in the Mitigated Negative Declaration will reduce all potential effects to less than significant, and no new mitigation measures or revisions are required.
6. 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.

Rezone

The amendment to the general plan and zoning designation, as proposed is deemed to be in the public interest. (*Finding met.*)

The proposed C-2/ECR designation for the property at 1314-1320 Poplar Ave. is consistent with the General Plan land use designation. The proposed residential use meets the City's goals of locating higher density, transit-oriented housing along a major transit corridor and providing additional rental and affordable housing opportunities. For these reasons, staff can make the required finding.

Special Development Permit

General Plan Goals and Policies

The following are key goals and policies from the General Plan pertaining to the proposed project:

- *Action Statement LT-2.1c.* Require appropriate buffers, edges and transition areas between dissimilar neighborhoods and land uses.
- **Goal LT-3.** Appropriate Mix of Housing – Ensure ownership and rental housing options in terms of style, sizes and density that are appropriate and contribute positively to the surrounding area.
- **Policy LT-3.4.** Determine appropriate density for housing based on site planning opportunities and proximity to services.
 - *LT-3.4a.* Locate higher-density housing with easy access to transportation corridors, rail transit stations, bus transit corridor stops, commercial services and jobs.
 - *LT-3.4b* Locate lower-density housing in proximity to existing lower density housing.
- **Policy LT-4.1.** Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.
 - *LT-4.1a.* Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.
- **Policy LT-4.2.** Require new development to be compatible with the neighborhood, adjacent land uses and transportation system.
- **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-4.2.** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

Precise Plan for El Camino Real

The following are key goals and policies from the Precise Plan pertaining to the proposed project:

- **Goal 3.2.2.** To maintain and enhance the retail sales tax revenue generated for the City.
- **Goal 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.

- **Goal 3.2.7.** To require quality site design, architecture and landscaping which incorporate sustainable design principles.
- **Goal 3.2.8.** To encourage development which supports the use of public transit.

In order to approve the Special Development Permit, the City Council 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 as the project. (*Finding not met.*)

By providing additional housing with a larger percentage of affordable rental units and its proximity to transit, the project meets many of the City's existing and emerging goals and policies. Staff has worked extensively with the applicant to design the project to meet the City's policies and design guidelines that aim to limit visual impacts and privacy intrusions to adjacent lower density homes. The proposed buildings are designed to include appropriate massing and height transitions to limit privacy and visual impacts to adjacent lower density homes.

Although the proposed use would not directly provide additional commercial uses on the El Camino Real corridor, additional housing directly adjacent to existing businesses (and within walking distance to many other restaurants and services) would help contribute to the economic vitality of the corridor. The ground floor amenity space at the El Camino Real frontage, which includes a fitness facility and bike lounge, is designed to achieve the Precise Plan goals of an active, pedestrian-oriented environment.

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 not met.*)

As proposed and conditioned, the Mission-style architecture, detailed enhancements and massing articulation will contribute positively to the El Camino Real streetscape. The site layout, landscaping and portions of the proposed buildings closest to the adjacent lower density homes have been thoughtfully designed to minimize visual impacts and limit direct views onto the adjacent properties.

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 able to make findings 1 and 2 above, and therefore recommends denial of the Tentative Parcel Map.