

RECOMMENDED FINDINGS
2017-7453
1023 N. Fair Oaks Avenue

Adoption of Mitigated Negative Declaration

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 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 West Olive Ave., Sunnyvale, CA 94086.

Special Development Permit

Goals and Policies that relate to this project are:

- **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-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **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-4.4** Preserve and enhance the high quality character of residential neighborhoods.
- **Policy LT-4.9** Allow industrial, residential, commercial, and office uses in the Industrial to Residential (ITR) areas
- **Policy CC-1.3** Ensure that new development is compatible with the character of special districts and residential neighborhoods.
- **Policy CC-1.7** Encourage neighborhood patterns that encourage social interaction and avoid isolation.
- **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-6.6** Encourage use of sustainable and green building design in new and existing housing.

In order to approve the Special Development Permit, the decision maker 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.*)

The project site is located adjacent to multi-family use to the north, west and south. The proposed project meets the goals and policies of the General Plan as listed above by providing 14 ownership housing units in compliance with the planned residential density for the area. The site is within close proximity of transit, shopping, and a major employment area. The project would provide street trees, bicycle parking, and street lighting consistent with the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan. Sense of Place fees would also be provided for bicycle and pedestrian improvements in the neighborhood.

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 site is located within an Industrial-to-Residential transition area, where many properties have already been redeveloped to residential uses. The development has been designed to complement the adjacent neighborhood through high quality architecture appropriate site design, landscaping, and lighting. The project utilizes high quality detailing and building materials to enhance its Spanish architectural style, including a combination of wood trim and framing around recessed windows and balconies, as well as decorative metal railing. Decorative shutters, tiling and pot shelving is also incorporated around each of windows. Recent improvements to the color scheme allow for a warmer color pattern over previous designs. As a result, staff finds the proposed townhomes will enhance the neighborhood aesthetics and contribute positively to the streetscape and character.

The requested deviation is not anticipated to negatively affect adjacent properties. The proposed site layout allows for a more desirable configuration of open space between the units. In order to meet the standard, the smaller buildings would either need to be connected or separated further, or a unit removed. More separation would decrease setbacks and create a less desirable deviation, while connecting these smaller buildings would reduce the functionality of the open space, which includes patio area and a pedestrian pathway to the middle of the site. The separation helps break up the mass of the building and create a better aesthetic streetscape from the public street.

The project utilizes superior environmental design by exceeding minimum Green Building standards, and achieving 110 Build-It Green points, which allows for increased building height through the City's incentive program. Potential environmental impacts can be mitigated to less than significant levels with the measures included in the conditions of approval.

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 not able to make any of the following findings and recommends approval of the Tentative Map.