

**RECOMMENDED FINDINGS
617 East Evelyn Avenue
2017-7217**

California Environmental Quality Act (CEQA)

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 West Olive Ave., Sunnyvale, CA 94086.

Special Development Permit

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 PlanDistinguished 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.*

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 on one lot at the corner of East Evelyn Avenue and Elm Court. There are multi-family uses to the north, south and east. The proposed project meets the goals and policies of the General Plan as listed above by providing 62 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 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 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 most development standards such as parking, lot coverage, landscaping, usable open space and solar access. The project includes a deviation from Sunnyvale Municipal Code (SMC) Section 19.48.030, which requires a 26-foot distance between three-story buildings. Deviations from this requirement are not uncommon for townhouse projects. Reducing the distance between the buildings on the site helps to open up more land available for open space areas. The project also includes a deviation from SMC Section 19.32.020, which requires building height to

be 35 feet. The project is partially located in a flood zone and requires grading to bring the project above the flood level. The buildings will range in height between 38 feet two inches to 40 feet two inches. The variations in height will also provide massing changes and visual interest along the long frontage on East Evelyn Avenue. The project complies with the average front setback requirement of 20 feet (SMC Section 19.34.030) for both frontages at East Evelyn Avenue and Elm Court. However, the two end units at the corner are three feet shy of the 15-foot minimum setback requirement on the Elm Court frontage and one-foot shy of the 15-foot minimum setback requirement on the East Evelyn Avenue frontage. The design of the end units at this corner has been designed to be unique and add curb appeal distinguishing the architecture.

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.