

## RECOMMENDED FINDINGS

### Related General Plan Goals and Policies

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Goals and Policies that relate to the project are:

#### Land Use and Transportation Element

- Policy LT-2.3: Accelerate the planting of large canopy trees to increase tree coverage in Sunnyvale in order to add to the scenic beauty and walkability of the community; provide environmental benefits such as air quality improvements, wildlife habitat, and reduction of heat islands; and enhance the health, safety, and welfare of residents.

LT-2.3d: Require tree replacement for any project that results in tree removal, or in cases of constrained space, require payment of an in-lieu fee. Fee revenues shall support urban forestry programs.

- Policy LT-4.1: Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.
- Policy LT-4.2: Encourage nodes of interest and activity, public open spaces, well-planned development, mixed-use projects, signature commercial uses, and buildings and other desirable uses, locations, and physical attractions.

LT-4.2a: Promote the development of signature buildings and monuments that provide visual landmarks and create a more distinctive and positive impression of Sunnyvale within the greater Bay Area.

LT-4.2c: Allow for innovative architectural design.

- Policy LT-4.3: Enforce design review guidelines and zoning standards that ensure the mass and scale of new structures are compatible with adjacent structures, and also recognize the City's vision of the future for transition areas such as neighborhood Village Centers and El Camino Real nodes.

LT-4.3c: Enforce local design guidelines that ensure buildings and monuments respect the character, scale, and context of the surrounding area.

LT-4.3d: Ensure that new construction and renovation contribute to the quality and overall image of the community.

LT-4.3e: Use the development review and permitting processes to promote high-quality architecture and site design.

- Policy LT-4.4: Avoid monotony and maintain visual interest in newly developing neighborhoods, and promote appropriate architectural diversity and variety. Encourage appropriate variations in lot sizes, setbacks, orientation of homes, and other site features.
- Policy LT-5.1: Strengthen the image that the community is composed of cohesive residential neighborhoods, each with its own individual character and Village

Center; allow change and reinvestment that reinforces positive neighborhood concepts and standards such as walkability, positive architectural character, site design, and proximity to supporting uses.

- Policy LT-5.2: Preserve and enhance the character of Sunnyvale’s residential neighborhoods by promoting land use patterns and transportation opportunities that support a neighborhood concept as a place to live, work, shop, entertain, and enjoy public services, open space, and community near one’s home and without significant travel.
- Policy LT-5.3: Require new development, renovation, and redevelopment to be compatible and well-integrated with existing residential neighborhoods.
- Policy LT-6.1: Improve and preserve the character and cohesiveness of existing residential neighborhoods.

LT-6.1f: Look for opportunities to reclaim unneeded and underperforming paved areas (public and private) that could be converted to neighborhood-enhancing features such as additional tree coverage, gathering areas, pocket parks, or community gardens.

#### Community Character Chapter

- Policy CC-1.3: Ensure that new development is compatible with the character of special districts and residential neighborhoods.
- Policy CC-1.4: Support measures which enhance the identify of special districts and residential neighborhoods to create more variety in the physical development.
- Policy CC-1 2.1: Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable, and improve the enjoyment of residential neighborhoods.
- Policy CC-3.1: Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents, and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale’s economic prosperity.
- Policy CC-3.2: Ensure site design is compatible with the natural and surrounding built environment.

#### Housing Element

- Policy HE-6.1: Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

#### **Special Development Permit**

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

The project balances the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood. The project preserves and enhances a new attractive residential neighborhood by providing a positive image, promoting a sense of place, protecting significant trees and providing generous open space, including a public park. The project features site design that is compatible with the natural and surrounding built environment. The project meets the City's design guidelines and ensures that new buildings and related open spaces contribute to the quality and overall image of the community. The project also provides signature buildings in a master planned residential community and supports a future Village Center to be located across Duane Avenue.

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 new development helps complete the orderly development of the East Sunnyvale ITR Rezoning area. It is compatible with the character of the surrounding residential neighborhood and follows the City's design guidelines and the adopted Sense of Place Plan. The project includes the extension of a partially constructed public street and enables expansion of neighborhood open space by dedicating a 6.5-acre public park. The project also provides a transition to existing and planned taller buildings to the east along the commercial side of Stewart Drive.

The applicant applies the California State Density Bonus Law and the City of Sunnyvale Green Building Density Bonus by providing 6 percent or 45 as very low income units. The project applicants are allowed one (1) concession from development standards for projects that include at least six percent very low income units. The applicant has also requested a 5 percent density bonus for meeting the criteria of the Green Building Program; this would allow for up to 37 additional bonus, market-rate units by providing 110 points on the Green Point Rated Checklist. Combined, the project would provide 744 base units (includes 45 very-low income units) and 200 density bonus units (163 under State law and 32 for City's Green Building incentives) for a total of 944 R-4 units.

The project includes request for deviations to reduce front yard setbacks on portions of Indian Wells Avenue and portions of Stewart Drive; reduce required private useable open space by eliminating or reducing the size of private balconies on the five-story, mid-rise apartments; and, requests that some units in the townhome development be located farther than 150 feet from a trash facility. The building height increase (under the concessions) and building story increase by one story are related, and necessary to provide the requested density and allow for the very low income units.

Given the constraints of the overall planned community to provide a variety of housing options including affordable housing, a 6.5-acre public park and a site plan and open space plan designed to save the mature trees, staff considers the front yard setback deviations along Indian Wells Avenue to be justified.

To achieve better marketable units the balconies were reduced in size to enlarge the adjacent bedrooms in both market rate and affordable units. As an alternative to private balconies, the applicant has provided a large amount of high-quality, on-site open space and amenity areas within the mid-rise project to compensate for the reduced amount of private useable open space. There is also a larger than required communal work space and community room. In addition, there are special open space areas to be provided in the immediate area including the wider setbacks on Stewart Drive where there will be a meandering, landscaped pedestrian path. Although not specifically part of the project site, the residents of the project will also have easy access to the new public park. The request for the deviation is justified since the project provides almost double the amount of required useable open space.

The townhome project will utilize shared solid waste enclosures to accommodate trash and recycling. Of the 107 proposed units, 100 units (94%) are within 150 feet of an enclosure as required by code. The remaining 7 units are 163 to 226 feet from the enclosure. The applicant states that providing an additional properly sized-enclosure would eliminate parking along the private street and potentially landscaping needed to meet other code requirements. Staff considers this deviation minor, and reasonable for this site.

### **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

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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

## **Rezone**

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### **Finding:**

The rezone, as proposed, changed or modified is deemed to be in the public interest.

### ***Finding Met.***

The rezoning from R-3 to R-4 and PF is consistent with the intent of the East Sunnyvale ITR Rezoning adopted in 2007. The rezoning reorganizes the R-3 and R-4 zoning areas in order to create a land plan that also accommodates a 6.5-acre public park, saves significant trees and provides adequate area to accommodate new ownership and rental housing units, including very low income units.

## **Sense of Place Fee**

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1. On November 17, 2015, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified an Environmental Impact Report for the 915 DeGuigne Residential Project, which included the adoption of the East Sunnyvale Sense of Place Plan (SCH#2014112001). The East Sunnyvale Sense of Place Plan anticipates the conversion of industrial property to residential uses within the East Sunnyvale Plan Area, creating a need for enhanced transit, pedestrian, bicycle and automobile circulation along with streetscape improvements, wayfinding signage, and pedestrian safety improvements.

2. The improvements identified in the Sense of Place Plan will create a more pedestrian and bike-friendly environment in the neighborhood and are therefore essential to reduce vehicle

trips by new residents, thus reducing the impacts of higher density residential development on traffic, greenhouse gas emissions, air quality, and noise.

3. By imposing appropriate Sense of Place fees on new development in the East Sunnyvale Plan Area to fund the identified improvements, the City will ensure that new development contributes its fair share of funding necessary to mitigate the impacts of increased development and support vibrant, attractive neighborhoods for current and future residents.

4. The City has calculated the total cost of the necessary Sense of Place improvements in East Sunnyvale to be a total of \$19.35 M, of which some will be installed as part of new development and others will be covered by grants and other outside funding. Based on the estimate to install the remainder of Sense of Place improvements a fee of \$2,428 per dwelling units has been established. The components of the Sense of Place Improvements are listed in the East Sunnyvale Sense of Place Plan.

5. The City Council finds that there is a reasonable relationship between the proposed Project and the need for Sense of Place improvements, that the fee of \$2,428 per dwelling units is roughly proportional to the impact of the new development, and therefore the fee should be imposed on the proposed Project.