

## **RECOMMENDED FINDINGS**

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS CONSISTENT WITH THE LAND USE AND TRANSPORTATION ELEMENT (LUTE) ENVIRONMENTAL IMPACT REPORT (EIR)**

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The Planning Commission hereby makes the following findings:

1. The Planning Commission has independently reviewed the programmatic Draft and Final Environmental Impact Reports for the Land Use and Transportation Element (LUTE) of the Sunnyvale General Plan, State Clearinghouse #2012032003 (the “LUTE EIR”).
2. The LUTE EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the LUTE. In addition, the LUTE EIR identified significant and unavoidable impacts with regard to transportation, air quality, cultural resources, and noise.
3. On April 11, 2017, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LUTE EIR, and adopted the LUTE.
4. In addition to serving as the environmental document for the adoption of the LUTE, the LUTE EIR was intended by the City to serve as the basis for compliance with CEQA for projects that are consistent with the development density established by the LUTE in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. These sections provide that if an environmental effect of a project is not peculiar to the parcel or the project, has been addressed as a significant impact in the EIR, or can be substantially mitigated by the imposition of uniformly applied development standards or policies, then an additional EIR need not be prepared on the basis of that effect.
5. The City has analyzed the proposed Project to determine if the Project meets the criteria for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.
6. The LUTE designates the Project Site as “Medium Density Residential”. This designation authorizes a base density of 24 dwelling units per acre and the project is consistent with the density designation.

7. The LUTE contains a number of goals, policies, and implementing actions that affirm the General Plan's vision for sustainable development, including Policy LT-2.1 (sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings), LT-2.1b (encourage green features), and LT-2.1c (establish incentives that encourage green building practices beyond mandated requirements).
8. The project will be utilizing the City's Green Building Incentive to meet 110 points in Build-It-Green's Green Point rating system. The Project would also implement a transportation demand management program for multi-family developments to encourage development near major transit stops, commercial uses, and car share; and install bicycle facilities, multi-modal way finding stations, and distribute TDM information.
9. Section 15183(f) of the CEQA Guidelines provides that an effect of the project on the environment shall not be considered "peculiar" to the project for purposes of Section 15183 if the effect can be substantially mitigated by the imposition of uniformly applied development standards or policies.
10. Based on the environmental checklist for the Project and other information in the record, and after duly noticed public hearing, the City finds as follows:
  - a. The Project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan.
  - b. The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the LUTE EIR and applicable to the Project.
  - c. The Project will have no environmental effects that:
    - i. are peculiar to the Project or the parcel on which the Project is located;
    - ii. were not analyzed as signification in the LUTE EIR;
    - iii. are potentially significant off-site impacts or cumulative impacts which were not discussed in the LUTE EIR; or
    - iv. are previously identified significant effects which, as a result of substantially new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the LUTE EIR.
  - d. Accordingly, the City finds that no additional EIR needs to be prepared for the Project.
11. 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.

## **Use Permit**

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In order to approve the Use 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 Plan**

#### Distinguished 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.*

Balanced Economic Base

- *Policy LT-12.3 – Support a variety of land and building ownership forms, including business condominiums, planned developments, and more traditional single-owner developments.*

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 located mid-block on South Wolfe Road between Gary Avenue and Maria Lane. There is a secondary frontage toward the rear on Bellomo Avenue. There are apartments and townhouse developments to the south and west, single family residences to the north and east. The proposed project meets the goals and policies of the General Plan as listed above by providing 128 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 improvements, 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 as well as the preservation of five protected trees 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 all development standards of the R-3 zoning district, such as setbacks, distance between buildings, parking, lot coverage, landscaping, usable open space and solar access. The project will be utilizing the City's Green Building Incentive to achieve an additional 5 feet of height over the maximum 35 feet by meeting 110 points in Build-It-Green's Green Point rating system. The project design incorporates craftsman style architectural elements such as horizontal and shake shingles, exposed beams and corbels on the gable ends, low pitched roofs and deep overhangs. The project design will enhance the streetscape where there are other three-story condominium developments and single-family homes.

### **Vesting Tentative Map**

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In order to approve the Vesting Tentative Map, the proposed subdivision must be consistent with the General Plan. Staff finds that the Vesting Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Vesting 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 Vesting Tentative Map.