



City of Sunnyvale

Agenda Item

21-0715

Agenda Date: 7/12/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Related applications on a 2.77-acre site:

SPECIAL DEVELOPMENT PERMIT to redevelop a portion (easterly portion) of an existing shopping center (Fremont Corners) into a mixed-use development with 8,094 square feet of commercial space and 50, 4-story townhome-style condominiums with associated parking and site improvements including common open space.

TENTATIVE MAP to subdivide the lot into 6 lots and 50 condominiums.

Location: 166 E. Fremont Ave. (APN: 309-01-006)

File #: 2020-7525

Zoning: C-1/PD (Neighborhood Commercial/Planned Development)

Applicant/Owner: The True Life Companies/Fremont Corners Inc et al (applicant/owner)

Environmental Review: Class 32 Categorical Exemption (Infill Development)

Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Village Mixed Use (VMU)

Existing Site Conditions: Two commercial buildings and parking lot

Surrounding Land Uses

North: Two-story residential townhomes (across Fremont Ave)

South: One-story single-family homes

East: One-story fourplex and single-family homes

West: Shopping center (24-Hr Fitness)

Staff Recommendation: Alternative 1: Make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 (Class 32, Infill Development) as noted in checklist (Attachment 5); and approve the Special Development Permit and the Tentative Map and the recommended findings in Attachment 3 and subject to the Conditions of Approval in Attachment 4.

BACKGROUND

Description of Proposed Project

The proposed project is located within the Fremont Corners shopping center, which is comprised of four parcels totaling 7.8 acres in size. The subject property is the eastern-most parcel and is 2.77 acres in size. The site is currently developed with two commercial buildings and surface parking. The proposed project includes:

- Demolition of an existing 10,500 square foot commercial building located towards the

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- back of the site;
- Renovation of an existing 8,094 square foot commercial building fronting Fremont Avenue;
- Construction of 50 condominium (ownership) units within four three to four-story residential buildings with enclosed garages, including 6 affordable units; and,
- Associated site improvements, such as open space, landscaping, fencing, driveways, walkways, and trash enclosures.

A Special Development Permit (SDP) is required for redevelopment in the C-1/PD zoning district, pursuant to Sunnyvale Municipal Code (SMC) Section 19.90.010. The required findings to grant an SDP are discussed in Attachment 3.

The Tentative Map is required prior to a Final Map for the creation of six lots and 50 condominiums for individual ownership. The Tentative Map conditions of approval are listed in Attachment 4.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

State Housing Legislation

California Senate Bill (SB) 35 was adopted in 2017 to streamline multi-family residential projects and requires public agencies to approve residential projects based on objective standards as defined below. Subsequently, SB 330 was adopted in 2019 and further strengthens streamlining requirements, provides protections to lower income residents, and introduced the Preliminary Application process to lock in development standards and fees. The legislation adopted by SB 330 also limits the number of public meetings to five, including outreach, public hearings, and appeal hearings, and also states that the General Plan overrides inconsistent zoning standards.

The California Housing Accountability Act (Gov. Code Section 65589.5) ("HAA"), as modified on 2017 and 2019, prohibits local agencies from denying or imposing conditions on a housing development project if the project complies with "objective" general plan, zoning, and subdivision standards and criteria. The HAA defines "objective" to mean "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."

In addition, the HAA provides that if there is an inconsistency between the zoning standards applicable to the site and the land use designation in a city's General Plan, the General Plan designation will prevail over inconsistent zoning standards.

The California State Density Bonus Law (Government Code Section 65915) was created to incentivize the construction of affordable units and applies to for-sale housing projects that provide at least 10% of units affordable to moderate income households. By providing six affordable units (12%) (and paying an in-lieu fee for a fractional unit to comply with the City's Below Market Rate Ownership Ordinance (SMC Chapter 19.76), the applicant is entitled to following benefits under the Density Bonus Law:

1. Up to four additional for-sale units.	Not requested.
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2. One “incentive or concession” that will result in an actual and identifiable cost reduction.	One requested.
3. Any number of waivers or reductions of developments standards that would physically prevent the project from being built at the permitted density and with the granted concessions/incentives.	Nine requested.
4. Reduced parking ratios (1 space for each one-bedroom unit, 1.5 spaces for two- or three-bedroom units, 2 spaces for four-bedroom units).	Requested.

Previous Actions on the Site

The Fremont Corners shopping center was developed in late 1950s. Several SDPs have been granted throughout the years for uses, such as educational, recreational, and entertainment.

EXISTING POLICY

General Plan Goals and Policies: Key goals and policies from the General Plan Land Use and Transportation Element and Housing Element which pertain to the proposed project are provided in Attachment 3.

The General Plan designates the project site as Village Mixed Use (VMU), which is intended to encourage redevelopment of older shopping centers and office parks with mixed use development to provide close-in services and residential diversity in existing residential areas. A more complete discussion of Village Centers is found in the Land Use and Transportation Element of the General Plan on pages 3-35 to 3-37 and pages 3-88 to 3-89.

General Plan Goal LT-5.1e required projects within the VMU designation to prepare a Public Engagement Plan (PEP) that provides public outreach and input from the community prior to development of a Village Center Precise Plan. A PEP for Fremont Corners shopping center was approved by the Planning Commission and City Council in July 2019. Two outreach meetings were held in August 2019.

The legislative changes made by SB 330 took effect in January 2020 and the applicant decided to discontinue the PEP and Village Center Precise Plan efforts and instead, pursue a development application. After consultation with the City Attorney’s Office and outside land use counsel, staff concluded that the HAA (as amended by SB 330) makes it impossible for the City to enforce the requirement for a Village Center Precise Plan because the requirement is not “objective” within the meaning of the HAA. The adoption of such a plan would involve subjective decision-making, and the variety of factors that would go into the plan are not externally defined and are not based on uniform benchmarks or criteria that are knowable to the Developer.

Sites with the VMU designation allow an average residential density of 18 units per acre, a minimum of 10% floor area ratio (FAR) for commercial use and up to four stories in height. The proposed project includes a residential density of 18.09 units per acre and 6.7% FAR of commercial use. The applicant seeks a waiver for the residential and commercial densities prescribed by the General Plan (discussed in the Development Standards section of the report). The applicant could also resolve this small overage by exercising their entitlement to a bonus unit, although they have chosen not to do

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so. If, however, the applicant requested a bonus unit, the City would be legally required to grant the request.

Applicable Design Guidelines: The City-Wide Design Guidelines and Mixed-Use Development Toolkit provides recommendations for site layout, architecture, and design. Objective guidelines are referenced in the discussion and analysis below, as well as in Attachment 3.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) Guidelines Section 15332, Class 32 (In-Fill Development) applies to projects that are consistent with applicable General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations, including any Density Bonus incentives, concessions, waivers, increased density, and reduced parking ratios which the project is entitled to under the law. In this case, the project is consistent with the existing General Plan's Village Mixed Use designation. The proposed development occurs within city limits on a project site that is less than five acres in size and is substantially surrounded by existing residential and commercial land uses. The project site has minimal value as habitat for endangered, rare or threatened species; approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Additionally, the site can be adequately served by all required utilities and public service.

DISCUSSION

Present Site Conditions

The project site has frontage on Fremont Avenue and has two access driveways from Fremont Avenue and two driveways shared between the remaining portion of the shopping center on its west. The site is adjacent to one-story single-family homes on the south and fourplex and single-family homes to the east. The site is developed with two free-standing, one-story commercial buildings, and surface parking. The commercial building closer to Fremont Avenue is occupied by Vekslar Academy of Music and Dance and Jake's Pizza restaurant, while the building in the rear has American Academy of Kickboxing and Cole's Market. The vacant land between these two buildings appears like a building pad that has historically been undeveloped. The site includes surface parking and some landscaped areas along the periphery and the parking lot.

The remaining portion of the shopping center, west of the site, includes commercial/retail buildings located in the rear portion of the site with surface parking lots along the Fremont Avenue frontage. The project site shares two cross-access and parking easements with the adjacent lot on its west (24-Hour Fitness) which are proposed to continue. No formal applications have been submitted to redevelop the remaining shopping center at this time.

Site Design and Architecture

Site Design and Layout: The proposed project is comprised of four residential buildings and one commercial building. The renovated commercial building is one-story in height and is generally centered along the front of the site facing Fremont Avenue. Outdoor seating is provided along the street frontage and on the west side of the building. A new solid waste enclosure will be located along the driveway east of the commercial building.

The residential buildings are proposed as three to four-stories in height. One of the residential buildings is just west of the commercial building and fronts Fremont Avenue. The other three

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residential buildings are located towards the back of the site. The proposed unit mix includes four two-bedroom units and 46 three-bedroom units. The unit sizes range from 1,365 to 2,037 square feet of living area. Each unit is provided with two tandem garage spaces (ranging from 452 to 489 square feet in size) on the first floor and the living areas are located on levels above.

Two driveways provide vehicular access along Fremont Avenue, which loop around the site and connect with the remaining portion of the shopping center to the west. Existing cross access easements will be maintained.

The project also includes a 13,375 square foot common open space and paseo that is tucked behind the commercial building and will be available to public through a public access easement. The open space and paseo will be privately maintained by the future homeowner's association (HOA). The open space area includes landscaping, seating, play area and planter boxes. Pedestrian walkways are provided throughout the site, including walkways that link the common open space to the Fremont Avenue street frontage and residential buildings.

The project is required to dedicate a 1-foot wide street dedication in the form of an easement along the Fremont Avenue frontage to allow a new 10-foot wide attached sidewalk.

Architecture: The architectural style of the proposed buildings can be broadly classified as contemporary with modern accent elements and simple forms. Architectural plans are in Attachment 7 and colors and materials are on sheets A19 and A20.

The renovated commercial building will have a flat roof with a roof screen above, metal awnings, vertical metal siding, stucco and stone veneer accent. New store front windows and tenant frontage doors will be installed with dark aluminum frames. The proposed glass will be recessed 4 to 6 inches from the dark brown window frames. The building colors will be gray and beige, with a warm terracotta accent.

The architectural style carries over to the residential buildings. The building forms utilize hip roofs, varying wall planes, and a combination of stucco, siding, and stone veneer. Three of the four residential buildings have a four-story mass towards the center of the site and drop down to three stories facing Fremont Avenue and rear property line. The building mass is further visually reduced through a change in building planes with varying setbacks, punctuated by projecting balconies, recessed windows, entry porches with metal awning overhangs and changes in materials and color. The buildings are a combination of cool colors (gray and beige) and warm tones (either terracotta and yellow, or muted blue and green). Window trim will be similar to the commercial building, with the glass recessed 2 to 3 inches from the frame. Entry stoops and recessed front doors are proposed. Garage doors are also contemporary in style and are gray in color.

Staff finds the proposed site layout and architecture are generally consistent with objective City-Wide Design Guidelines. Objective guidelines are referenced in Attachment 3.

Village Centers: The General Plan describes Village Centers as “designed to support a lifestyle with less reliance on a private automobile. It is an active, pedestrian-oriented place with neighborhood-serving commercial uses that are close to residents and are mixed with residential uses. It serves as a meeting place for the community and may also support public and quasi-public services to reduce the need for automobile trips.”

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Staff finds that the proposed site layout and architecture generally comply with the intent of the Village Center goals and policies by providing commercial opportunities next to residential use with adequate pedestrian circulation and publicly accessible open space.

DEVELOPMENT STANDARDS

In addition to the VMU standards in the General Plan, the project is also subject to the C-1 zoning requirements. Although the C-1 zoning district has a maximum height of two-stories and 40 feet, the project complies with the four-story height limit in the General Plan. The project also complies with several zoning standards, such as lot coverage, total parking, total landscaping, and solar access. The applicant proposes nine waivers, one concession, and reduced parking as allowed by State Density Bonus Law. The Project Data Table in Attachment 2 summarizes the project's compliance with the Development standards.

State Density Bonus Law

Waivers: The State Density Bonus Law allows the applicant to request an unlimited number of waivers (reduction in development standards) if the applicant can demonstrate that site constraints physically preclude them from constructing the development with the allowed number of units. The applicant has provided a letter (Attachment 6), which provides justifications for the waivers and concession/incentive.

The applicant requests the following nine waivers in order to accommodate 50 units on the site:

1. Residential density - The General Plan allows an average density of 18 dwelling units per acre within the Village Mixed Use designation. The concept of average density was developed for the Village Center sites that could include a larger site that could comprise of several lots to allow flexibility in the development of these sites. The proposed project is being developed as a single parcel that will also integrate and relate to the other portions of the shopping center when they redevelop in the future to result in a Village Center envisioned in the General Plan. The project proposes 18.09 du/ac which exceeds the prescribed density; however, the discrepancy is slight, and as previously stated, the City would be required to grant up to four additional units under the Density Bonus Law.
2. Floor Area Ratio (FAR) for commercial use - The General Plan requires a minimum of 10% FAR of commercial space for Village Center Mixed Use Developments. The proposed commercial building is proposed at 6.7% FAR.
3. Front yard setback - SMC Section 19.34.030 requires properties in the C-1 zone to meet a minimum of 70-foot front setback. The proposed front setback along Fremont Avenue is 10 feet 9 inches.
4. Left/west side yard setback - SMC Section 19.34.110 requires properties in the C-1 zoning district to provide a minimum of 24-foot side yard setback, where 15 feet 7 inches is proposed.
5. Frontage landscaping strip - SMC Section 19.37.040 (c) requires a 15-foot wide landscaping strip along the street frontage. The project proposes 10 feet 9 inches in front of the residential building and no landscaping frontage in front of the commercial building (proposed as outdoor dining).

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6. Buffer landscaping strip width - SMC Section 19.37.040 (b) requires properties adjacent to residential properties to provide a minimum of 10-foot wide landscaping buffer strip, where 5 feet is proposed.
7. Buffer landscaping planting - SMC Section 19.37.040 (b) requires planting of screening trees and shrubs placed along the length of the buffer at intervals not to exceed 20 feet. There are sections of the proposed buffer landscaping area, especially along the east property line, that will not meet this requirement.
8. Compact parking spaces - SMC Chapter 19.46 does not allow compact parking space for non-residential uses. The project includes 19 compact spaces for the commercial building, which is equivalent to 24% of the total number of commercial parking spaces.
9. Parking Lot Shading - SMC Section 19.46.120 (g) (1) requires project to provide at least 50% of the parking lot to be shaded within 15 years of tree establishment. The proposed project is expected to shade 30.5% of the parking lot.

Concession/Incentives: Concessions and incentives (reduction or exemption from a development standard or requirement) must be granted if it results in identifiable and actual cost reductions. SMC Sections 19.38.090 and 19.38.100 requires existing overhead lines on the project site's south and east property lines to be placed underground. The applicant proposes not to underground these existing lines and to maintain existing poles on the site.

Reduced Residential Parking: The proposed project provides two tandem parking spaces in individual garages for each of the 50 condominium units. SMC Section 19.46.040 (b)(1) allows only 50% of the tandem spaces to be counted towards the required parking spaces. Therefore, 75 garage spaces are provided. An additional 25 unassigned surface parking spaces are provided towards the back of the site. The unassigned/guest parking spaces are in the rear portion of the site. A total of 100 residential parking spaces are provided.

The State Density Bonus Law allows reduced parking at a rate of 1.5 parking spaces for two- and three-bedroom units, resulting in total of 75 spaces for the residential project. Therefore, the project complies with the reduced State Density Bonus parking requirement. An additional 25 extra tandem parking spaces are also provided, which helps to reduce potential parking impacts.

Staff Comment on State Density Bonus Law: The applicant's justification letter notes site constraints as the basis for the requested waivers. The requested incentive/concession (eliminating of the utility undergrounding requirement) is based on the substantial cost associated with undergrounding. Staff believes that the applicant's justifications are reasonable to accommodate the requested density and product type, given the limited City discretion provided by the State Density Bonus Law and the Housing Accountability Act. The requested reductions from development standards generally are least impactful to the existing residential neighborhood, as the proposed setbacks facing the existing homes to the east and south exceed minimum setback requirements. As addressed in the landscaping section of this report, staff will work with the applicant to further refine the tree planting plan along the east and south property lines to address potential privacy impacts. In addition, the outdoor dining area for the commercial space and public open space area help to activate the site,

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despite the reduction in the commercial building FAR.

Commercial Parking

The applicant intends to lease the building to a restaurant tenant, which requires a minimum of 73 parking spaces at a rate of nine spaces per 1,000 square feet for a stand-alone restaurant use. The project complies by providing 74 surface parking spaces for the commercial building. Up to 12 outdoor seats are permitted without providing additional parking spaces. Condition of Approval AT-19 limits the number of outdoor seating to 24 for the property, in order to comply with the parking requirement.

Landscaping and Tree Preservation, Removal, and Replacement

The project exceeds the minimum landscaped area requirement by providing 25% (30,089 square feet) of the lot for landscaping, where a minimum of 20% is required. The preliminary landscape plan includes plantings of trees, shrubs and ground cover along project periphery, street frontage and the central/paseo open space. The planting plan shows that the project will plant 16, 24-inch box sized screening trees on the periphery of the site along its east and south property lines. The proposed plant palette for the screening trees include Arbutus Marinara, Prunus Caroliniana, Blueberry Tree, Sweet Bay, Brisbane Box, Yew Pine, and Water Gum. Staff has consulted with the City Arborist, who finds the trees to be appropriate.

There appears to be some gaps in the tree planting on the east property line that could include additional tree plantings. Staff notes that detailed landscape plans be provided to ensure new tree plantings provide fast growing tree species that can grow under the power lines (recommended by PG&E). In addition, staff has included Condition of Approval PS-1.c) that requires a detailed landscape plan with evergreen screening trees along the east and south property lines.

An Arborist Report dated May 2020 was prepared by HortScience for the project. The report surveyed a total of 31 on-site trees, of which 23 trees are deemed “protected” under SMC Chapter 19.94. A protected tree is defined as having a trunk size of at least 38 inches in circumference, as measured 4.5 feet from the ground. The proposed project includes removal of nine protected trees, which accounts for 39% of the total number of protected trees. Seven of the protected trees proposed to be removed are in fair to good condition, and conflict with the proposed site layout. Two of the protected trees proposed to be removed are in poor condition.

A total of 14 protected trees will be saved, including four Ash and Willow trees along the Fremont street frontage. A large Monterey Pine tree is located at the southeast corner of the site which is proposed to be saved and is recommended to be pruned.

Staff finds that the proposed removal of nine protected trees is reasonable and that the project complies with the City’s Tree Replacement standards by providing 181 new 24-inch box trees throughout the site.

Fence/Walls

The existing site includes a 6-foot tall masonry wall and 6-foot tall wooden fence along the east and south property lines. SMC Section 19.37.040(b)(3) requires a 6-foot tall masonry wall, while the applicant proposes a 6-foot tall wooden fence. The applicant has not requested a waiver or concession from this requirement. Staff finds that a masonry wall helps to reduce privacy and noise concerns. Therefore, staff recommends Condition of Approval PS-1.b) to require the 6-foot tall fence

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to be made of masonry.

Green Building

The Green Building Program in effect at the time of the SB 330 Preliminary Application (March 2020) requires a minimum of 90 points on the GreenPoint Rated Checklist for the residential portion of the project. The applicant's preliminary GreenPoint Rated checklist indicates 94-targeted points. The existing commercial building that is being maintained is not subject to LEED requirements.

The project is also exempt from reach code requirements because the reach code was adopted after submittal of the project's SB 330 Preliminary Application.

Stormwater Management

A preliminary Stormwater Management Plan (SWMP) has been submitted to show proposed drainage patterns and conceptual treatment techniques to minimize surface runoff and pollution. The project includes the use of pervious pavers throughout the site to help minimize runoff and meet storm water runoff standards. As per standard requirements, a detailed SWMP will be submitted and approved, reviewed, and certified by a third-party during building permit phase of the project.

Below Market Rate Housing

The project will comply with the 12.5% below market rate (BMR) requirement by providing the required six BMR units and paying an in-lieu fee for the fractional unit (0.25).

Solid Waste and Recycling Access

The project includes a new commercial solid waste and recycling enclosure on the eastern side of the commercial building to meet City standards (SMC Section 19.38.030). The trash enclosure is made of concrete masonry unit (CMU) finish with a metal roof, which is compatible with the design of the proposed development. The residential project will be served by individual carts that will be stored in the individual garages and staged outside in the driveways for pick-up.

Tentative Map

The Tentative Map calls for subdivision of the existing lot into 6 lots and 50 condominiums. An HOA will ensure ongoing maintenance of common areas, the community gather space, surface parking, private walkways, private utilities, and public utilities.

Easements

The development includes several easements to enable ingress/egress and emergency vehicle access. In addition, public utility easements, including storm drain, sanitary sewer, and utilities, are proposed to accommodate on-site utilities. The common open space will be covered by a public access easement to ensure that it remains open to public as proposed.

Neighborhood Compatibility

The project generally complies with the prescribed development standards in the General Plan and Zoning and utilizes State Density Bonus law waivers and concessions to achieve the permitted density and product type. The proposed development is generally compatible with the surrounding residential and commercial uses and neighborhood character. Residential building heights are four stories towards the middle of the site and generally taper down to three stories along the project frontage and rear property line. This taper provides for a more gradual transition to the adjacent

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residential properties to the south. In addition, the proposed residential buildings are set back approximately 74 feet to 84 feet away from the adjacent residential properties to the east and south. The transition of height and ample setbacks help to reduce potential visual and privacy impacts. Additionally, the project is conditioned to provide a 6-foot tall decorative masonry wall and a detailed landscaping plan along the east and south property lines to help provide additional screening.

Therefore, staff generally finds the project to be well-designed and compatible with the scale and character of the surrounding neighborhood.

FISCAL IMPACT

The project is subject to payment of a park in-lieu fee and transportation impact fees. School impact fees are also required to be paid to the Sunnyvale School District and Fremont Union High School District. Other standard fees and taxes apply.

Public Contact

Neighborhood Outreach Meeting: A virtual neighborhood outreach meeting was hosted by the applicant on December 17, 2020. The meeting was attended by 14 people and their comments/questions related to access to the redeveloped site from the neighborhood, distance of the buildings from the property lines, fences, screening trees, height/number of stories, reduction of project height by incorporating underground parking, construction impacts, and the future of Jake's Pizza.

Planning Commission Study Session: Planning Commission reviewed the project's site and architecture at their May 24, 2021 study session. Comments include context of this project with the remaining portion of the shopping center, parking, absence of a wholistic redevelopment plan for the shopping center, lack of elevators resulting in exclusion of Senior citizens and people with disabilities, needed improvement to the shopping center, and support the community garden and architectural style of the project.

Public Comments

Staff has not received any written comments at the time that the staff report was written.

Notice of Public Hearings

- Published in the Sun newspaper
- Posted at the site
- 1,218, notices were mailed to property owners and tenants within 1,000 feet of the project as shown in Attachment 2
- Notices were sent to the 25 neighborhood associations and 14 interested parties.

Staff Report

- Posted on the City of Sunnyvale's web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

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- Posted on the City's official notice bulletin board

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- Posted on the City of Sunnyvale's web site

ALTERNATIVES

1. Make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 as noted in Attachment 5 to the report, and approve the Special Development Permit, and Tentative Map subject to the findings in Attachment 3 to the report and recommended Conditions of Approval in Attachment 4 to the report.
2. Make the Findings to approve the California Environmental Quality Act (CEQA) determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 as noted in Attachment 5 to the report, and approve the Special Development Permit and Tentative Map subject to the findings in Attachment 3 to the report and modified Conditions of Approval.
3. Do not make the required findings and direct staff where changes should be made.
4. Deny the project.

STAFF RECOMMENDATION

Alternative 1: Make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 as noted in Attachment 5 to the report, and approve the Special Development Permit, and Tentative Map subject to the findings in Attachment 3 to the report and recommended Conditions of Approval in Attachment 4 to the report.

Prepared by: Shétal Divatia, Senior Planner

Reviewed by: Noren Caliva-Lepe, Principal Planner

Approved by: Andrew Miner, Assistant Director, Community Development Department

ATTACHMENTS

1. Noticing and Vicinity Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. CEQA - Class 32 Checklist
6. Letter from Applicant - Justification for waivers and incentive/concessions
7. Project Plans and Views