

2020-7478
247 and 295 Commercial Street

RECOMMENDED FINDINGS

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

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 "Industrial". This designation authorizes a base density of 35% floor area ratio (FAR) with a greater density considered by incorporation of sustainable features or by Use Permit (LUTE page 3-91).
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).

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8. The project proposes to meet LEED Gold Level with US Green Building Council (USGBC) Certification that achieves at least 75 total points with Design Phase Credits reviewed and approved by USGBC, and achieve an all-electric building without any gas line connection.
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 significant 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.

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Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element 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.
- LT-4.2d - Promote distinctive commercial uses.

Land Use and Transportation Element Policy LT-11.2 - Support a full spectrum of conveniently located commercial, mixed-use, public, and quasi-public uses that add to the positive image of the community.

Land Use and Transportation Element Policy LT-11.3 - Promote business opportunities and business retention in Sunnyvale.

- LT-11.3a Encourage conveniently located retail, restaurant, and other supportive land uses near business areas.

Land Use and Transportation Element Policy LT-12.4 - Attract and retain diversity of commercial enterprises and industrial uses to sustain and bolster the local economy and provide a range of job opportunities.

Land Use and Transportation Element Policy LT-12.9 - Consider the importance of tax generation (retail, hotel, auto, and business-to-business uses) to support the fiscal health of the community and to fund municipal services.

Community Characters Policy LT-3.3 - 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.

Citywide Design Guidelines SD-1.1 - Design projects to be compatible with their surrounding development in intensity, setbacks, building forms, material, color and landscaping unless there are specific planning goals to change the character of the area.

Citywide Design Guidelines SD-2.1 - Locate site components such as structures, parking, driveways, walkways, landscaping, and open spaces to maximize visual appeal and functional efficiency. In multi-building complexes, a distinct visual link should be established among various buildings by using architectural or site design elements such

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as courtyards, plazas, landscaping and walkways to unify the project.

Citywide Design Guidelines SD-2.11 - Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.

Citywide Design Guidelines SD-1.4 - Project perimeter landscaping shall be integrated with the landscaping of adjacent development for streetscape continuity.

Citywide Design Guidelines BD-2.8 - In non-residential buildings maintain visually interesting activities at the street level by placing active facades with windows and openings on the street side to promote pedestrian activities.

Citywide Design Guidelines BD-3.1 - Maintain diversity and individuality in style but be compatible with the character of the neighborhood.

Citywide Design Guidelines BD-3.2 - In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.

Citywide Design Guidelines BD-3.3 - Develop a comprehensive architectural theme for multibuilding complexes. Unify various site components through the use of similar design, material, and colors.

Citywide Design Guidelines BD-3.5 - Buildings should have three distinct components: base; middle; and top. Define each component by horizontal and vertical articulation. Façade articulation may consist of changes in the wall plane, use of opening and projections, and material and color variations. Exceptions may be permitted only where a specific architectural style offers other types of building form and façade articulations, as determined by the planning staff.

Citywide Design Guidelines LA-1.4 - Properly landscape all areas not covered by structures, driveways, and parking.

Citywide Design Guidelines LA-1.6 - Choose a variety of plant material with different textures and colors. Use water wise plant material, as specified in the Landscape regulations.

Bird Safety Building Design Guidelines - The project site is located more 300 feet away from the closest body of water and is not adjacent to a landscaped area, open space or park larger than 1 acre in size. Therefore, policies in Option 2 are applicable to this project.

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

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The development of a hotel would diversify the uses within the immediate industrial zoning neighborhood by providing a location for overnight guests who may utilize goods and services of local businesses. The proposed hotel project allows for economic growth, which can be accommodated without significant impact on the existing infrastructure and roadway systems. The project is consistent with the General Plan by contributing jobs within the construction and hospitality sector, as well as establishing a transient occupancy tax generator.

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 proposed hotels will improve the character of the site, surrounding neighborhood, and community by adding a new use and services with a six-story contemporary hotel buildings and streetscape improvements and incorporates the above Citywide Design Guidelines. The proposed project, as conditioned, uses architecture and high-quality building materials with an appropriate site design and enhanced landscaping that includes 51 new trees to be installed. Parking is concealed underground with limited surface parking that is tucked in the interior of the lot. The proposed six-story building would be in scale with the Apple Campus building to the west. However, it creates a taller building than the neighboring buildings to the north and east. The project provides compatibility by utilizing similar building forms and materials. The buildings in the area consist of flat roofs, stucco and/or concrete walls and storefront glazing. The frontage is activated with entry elements, enhanced landscaping, and an outdoor dining patio. A good interface is achieved by having the hotel lobby entrances face each other and connected by an entry plaza that is designed with decorative paving, enhanced landscaping, seat walls and artwork that also help orient guest with a visual point of arrival. The main pedestrian walkway is 8 feet wide that helps connect the two hotels to the public sidewalk. The building layout is designed to minimize shading impacts on the adjacent one-story buildings and is buffered with a fence and landscaping.

With respect to the Bird Safety Building Design Guidelines, the project site is located more 300 feet away from the closest body of water and is not adjacent to a landscaped area, open space or park larger than 1 acre in size. As such, the project adheres to the policies in Option 2 in that project does not propose large, expansive glass, glass curtain walls, or glass skyways. As condition, site lighting will not produce unwanted glares or light spillage. Light fixtures shall include shields to ensure lighting is casted down onto the area to be illuminated.

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

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 findings (B.1-8) and recommends approval of the Tentative Map.