

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 “High Density Residential”. This designation authorizes a base density of 36 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. 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.
9. 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.
10. 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 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.)*

Compliance with applicable General Plan goals and policies are discussed 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-1.2: Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance.*
- *Policy HE-1.7: Support collaborative partnerships with nonprofit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.*
- *HE-3: Minimize the impact of governmental constraints on the maintenance, improvement and development of housing.*
- *HE-3.3: Establish reduced parking standards for special needs housing, and housing in close proximity to public transit. The proposed project includes deviations from the Sunnyvale Municipal Code as well as concessions under the State Density Bonus law that are similar to other recently-approved affordable housing projects in the City. The deviations are requested to accommodate the increased density onsite for affordable housing as well as to achieve State funding mandates to construct the project. The requested concessions and deviations are reasonable and will not adversely impact neighboring properties.*
- *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

- *LT-8.5b – Enhance connectivity by removing barriers and improving travel times between streets, trails, transit stops, and other pedestrian thoroughfares.*

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.*

- *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 as courtyards, plazas, landscaping and walkways to unify the project.*
- *SD-2.11 - Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.*
- *SD-1.4 - Project perimeter landscaping shall be integrated with the landscaping of adjacent development for streetscape continuity.*

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.

The proposed project meets the goals and policies of the General Plan as listed above by contributing towards the City's housing goals by providing 93 net new affordable units and an onsite manager's residence. The Citywide Design Guidelines have generally been met, and the requested concessions and deviations allow by the State Density Bonus Law are reasonable and will not adversely impact neighboring properties. The project incorporates environmental mitigation measures that create an environment suitable for residential development in accordance with the General Plan.

The project site has unobstructed access to the Moffett Park VTA light rail station, as well as VTA bus service, which are located within 1.5 miles. The project site is also located within close proximity to major roadways, such as Mathilda Avenue, Highway 101 and SR-237, as well as the Moffett Park major employment district to the north of SR-237. The proposed high-density project would support the use of transit and commercial services in the area.

The project is consistent with the Citywide Design Guidelines and provides an orderly and pedestrian-oriented site design by ensuring an articulated building façade that minimize bulk and massing while adding visual interest, installation of landscaping and street frontage improvements that contributes positively to the streetscape, and concealment of required solid waste and recycling enclosures and rooftop equipment. The project will enhance the overall image of the City and protect and preserve the existing character of the community. As designed, the building siting is oriented along the street frontage on W. Weddell Drive with a direct pathway from the building entrance to the public sidewalk. Pedestrian circulation routes are provided from the public sidewalk to the rear of the project for maximum

ease of use. Parking for the new residential building is not visible from the street frontage, as it is located within the building or to the rear behind the building. Decorative paving is also proposed to highlight pedestrian circulation routes and soften vehicular surfaces. The project proposes to enhance the existing streetscape with a new street tree and lighting. The project has been designed to buffer living units from exposure to air pollutants, primarily from SR-237. Additionally, the project includes air filtration mitigation measures as specified in the conditions of approval.

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 development has been designed to complement the adjacent neighborhood through high quality architecture and building materials with an appropriate site design, landscaping, and lighting. The requested deviations are reasonable and not anticipated to negatively affect adjacent properties. The deviations are also consistent with other affordable rental housing projects with similar densities. The proposed apartment building is expected to improve the character of the site, surrounding neighborhood, and community by adding affordable residential units within a modern and contemporary six-story building features site and architectural design elements that are consistent with the Citywide Design Guidelines.

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.