



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

File #: 15-0632, Version: 1

### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2014-7770

**Location:** 845 Maria Lane (APNs: 211-50-025)

**Applicant / Owner:** HRH Architects (applicant) / 10 Barneson LLC (owner)

**Proposed Project:**

**VESTING TENTATIVE MAP** for five condominiums and one common lot.

**Reason for Permit:** The Vesting Tentative Map is required for the creation of 5 condominium (air space) units and one common lot. (Related 5 townhouse development previously approved by Planning Commission on June 8, 2015)

**Project Planner:** Margaret Netto, Project Planner, (408) 730-7628, mnetto@sunnyvale.ca.gov

**Issues:** Consistency with related Design Review approval for 5 townhouses.

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

		Existing	Proposed
General Plan	Medium Density Residential	Same	Same
Zoning	R-3	Same	Same
Units		1	5

Previous Planning Projects related to Subject Application: A Design Review permit for 5 townhouse units and a Variance to allow usable open space within the front yard setback were approved for this site by the Planning Commission on June 8, 2015.	<b>Yes</b>
Neighborhood Preservation Complaint	<b>No</b>
Deviations from Standard Zoning Requirements: See note on Variance above. There are no code deviations associated with action on the Vesting Tentative Map.	<b>No</b>

### Background

On June 8, 2015 Planning Commission approved a Design Review Permit and a Variance to construct 5 three-story, townhouse-style condominium units. Due to a noticing error made by staff the Tentative Map was not heard at the Planning Commission meeting and was scheduled to be heard at

a Zoning Administrator's hearing. Although by practice the map typically would have accompanied the project Design Review permit at the Planning Commission hearing, it is not a requirement for the map to be considered by the Planning Commission because it is exempt from CEQA.

### **Architecture**

The project architecture was approved by the Planning Commission at the previous hearing. For background the project consists of one, three story building, containing 5 units with common open space on the corner and on the southern property line with individual patios in the front facing Maria Lane. The proposed units range in size from 2,226 to 2,358 square feet which includes a two-car garage. The Vesting Tentative Map supports this approved development.

### **Tentative Map**

The Tentative Map is required for the creation of five condominium (air apace) units and one common lot. The Vesting Tentative Map shows the location of the proposed lot lines, public and private street/driveway and other improvements (See Attachment 2 for Conditions of Approval).

**Public Contact:** 1,536 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

**Environmental Determination:** A Categorical Exemption Class 3 (minor alterations to existing structure) relieves this project from CEQA provisions.

### **FINDINGS**

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 findings (B1-8), and recommends approval of the Tentative Map.

### **ALTERNATIVES**

1. Approve the Vesting Tentative Map Permit with recommended Conditions in Attachment 2.
2. Approve the Vesting Tentative Map Permit with modifications.
3. Deny the Vesting Tentative Map Permit.

### **RECOMMENDATION**

Alternative 1. Approve the Vesting Tentative Map Permit with recommended Conditions in Attachment 2.

Alternative 2. Approve the Vesting Tentative Map with modifications.

Alternative 3. Deny the Vesting Tentative Map and provide direction to staff.

Prepared by: Margaret Netto, Project Planner

Approved by: Gerri Caruso, Principal Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Maps
2. Recommended Conditions of Approval
3. Vesting Tentative Map