



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approve Fifth Amendment to the Fair Oaks Business Park Covenants, Conditions and Restrictions to Allow Residential Development at 1023 Fair Oaks Avenue

BACKGROUND

The Fair Oaks Business Park was created in 1975 by Kollreal Estate to establish an industrial zone in the north part of the City. The Covenants, Conditions and Restrictions (CC&Rs) of the Business Park specifically restrict residential development. The City has owned a 5.45 acre parcel (Seven Seas Park) since 1991, which is part of the Business Park. As a partner in the Business Park the City must ratify any changes to the CC&Rs.

The City received a request from Raintree Fair Oaks LLC, a Delaware limited liability company (Raintree), requesting on behalf of Robert Nino and Nancy Bushnell, Trustees of the Bushnell Living Trust (Nino's), that the City sign a Fifth Amendment to the CC&Rs for Fair Oaks Business Park (Attachment 1). The Fifth Amendment would allow residential development on the Nino's property located on the northwest corner of Weddell Drive and Fair Oaks Avenue (Assessor's Parcel Number No. 110-14-169). A boundary map with the location of the area to be amended is attached as Attachment 2. The Nino's intend to construct a multifamily townhouse project on its lot within Fair Oaks Business Park.

City Council authorized the City Manager to approve previous amendments in 2004, 2007, then again in 2014 (RTC No. 04-166, RTC No. 07-285 and RTC No. 14-0563 respectively) removing parcels from the Business Park for residential development and the City's parcel for development of Seven Seas Park.

EXISTING POLICY

General Plan Chapter 5 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.

ENVIRONMENTAL REVIEW

The execution of the amendment to the Fair Oaks Business Park Covenants, Conditions and Restrictions agreement does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment. Additional environmental review will be performed when the property is developed.

DISCUSSION

The area to be developed is currently zoned for transition from Industrial to Residential (ITR). Therefore, a residential development would be consistent with City zoning on the subject parcel.

Seven Seas Park is within this business park located along Morse Avenue and is approximately one block from the parcels that will be converted to residential use. Staff believes a residential use at the proposed location would not significantly affect or impact the operations of Seven Seas Park.

FISCAL IMPACT

There is no fiscal impact as a direct result of amending the CC&Rs of Fair Oaks Business Park.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Authorize the City Manager to sign the Fifth Amendment to the Fair Oaks Business Park Covenants, Conditions, and Restrictions to allow residential development on assessor parcels No. 110-14-169.

Prepared by: Ryan Sandoval, City Property Administrator

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Fair Oaks Business Park.
2. Boundary Map