



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0465, Version: 1

REPORT TO COUNCIL

SUBJECT

File #: 2017-7217

Location: 617 East Evelyn Avenue (APN: 209-02-001)

Proposed Project: Appeal by the Blue Bonnet Residents Committee of a decision by the Planning Commission to conditionally approve:

SPECIAL DEVELOPMENT PERMIT: to redevelop the Blue Bonnet Mobile Home Park to a 62-unit townhouse development with associated site improvements (net increase of eight units);

VESTING TENTATIVE MAP: to subdivide one lot into 62 lots and three common lots.

Zoning: R-3/PD - Medium Density Residential / Planned Development

Applicant / Owner: East Dunne Investors, LLC (applicant) / Chien-Nan and Sue Chuang Trustee (owners)

Environmental Review: Mitigated Negative Declaration

Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

SUMMARY OF PLANNING COMMISSION ACTION

This Special Development Permit and Vesting Tentative Map were considered by the Planning Commission on April 23, 2018. The Report to the Planning Commission (PC) can be found in Attachment 11. Minutes of the Planning Commission public hearing can be found in Attachment 12. The project was approved by the Planning Commission with a vote of 4-3 with the following modifications to the Conditions of Approval (COA):

1. Prior to the issuance of a Building permit, developer will review the current perimeter trees with the Staff to identify any additional trees to be saved; (**Added as COA PS-5**)
2. Geometric stamping patterns for the pedestrian and vehicle through ways will be implemented, ideally with different treatments for differentiation; and, (**Added as COA PS-5**)
3. Add a COA to specify the use of native tree species, specifically those which will maximize the canopy height. (**Added as COA PS-5**)

The conditions of approval have been revised to reflect the Planning Commission action (Attachment 4).

APPEAL

On May 2, 2018, the project was appealed by the Blue Bonnet Residents Committee. The letter of appeal is included as Attachment 13. The appellant states 3 reasons for the appeal:

1. The Tentative Map application is incomplete and unlawful because it does not comply with the provisions of Government Code Sections 66427.4's and 66573.5's and Civil Code Section 798.56 (g)(1)'s requirements.

2. Sunnyvale's Housing Element shows the City is suffering a horrible deficit in its current affordable housing stock and cannot afford the unmitigated loss of the low income affordable housing located in Blue Bonnet.
3. The due process and fair hearing rights of the Blue Bonnet Residents Committee's members are being violated at this hearing so a new and lawful due process compliant hearing must be conducted.

Pursuant to Sunnyvale Municipal Code Section 19.98.070(f)(2) and (3), the City Council hearing is a de novo hearing and the City Council is not bound by the decision that has been appealed or limited to the issues raised in the appeal by the appellant. After the hearing, City Council can either affirm, modify, or reverse the Planning Commission's decision based on the evidence and findings.

STAFF COMMENTS ON APPEAL

The issues raised in the appeal letter submitted by the appellant, Blue Bonnet Residents Committee ("the Committee"), are similar to the issues raised in a lawsuit brought by the Committee against the City and the permit applicants regarding the City Council's earlier approval of the Conversion Impact Report for the mobile home park. The status of that litigation is still pending and the parties are awaiting the court's decision. City staff disagrees with the assertions in the appeal letter as follows:

1. Under the Sunnyvale Municipal Code and state law, the Tentative Map application can be submitted separately from the Conversion Impact Report ("CIR"). The Council approved the CIR on March 7, 2017, and the Tentative Map application should be reviewed on its own merits.
2. The City's Housing Element does not require the City to reject a planning application that might result in a loss of lower cost housing stock. In fact, state law allows the conversion of a mobile home park as long as the requirements have been met, which is the case here. Furthermore, the project site is not zoned as a mobile home park and therefore its conversion does not contravene the City's General Plan policy to preserve 400 acres of land zoned for mobile home parks.
3. The City and applicant have satisfied all due process requirements pursuant to the Sunnyvale Municipal Code and the relevant state laws,

Additionally, the applicant has submitted a more detailed Opposition Memo to the Committee's appeal letter. (See Attachment 14)

ALTERNATIVES

1. Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration, and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4.
2. Deny the appeal and modify the Planning Commission's determination to adopt the Mitigated Negative Declaration, and approve the Special Development Permit and Vesting Tentative Map subject to modified conditions of approval in Attachment 4.
3. Grant the appeal and reverse the Planning Commission's determination to adopt the Mitigated Negative Declaration, approve the Special Development Permit and Vesting Tentative Map (resulting in a denial of the Special Development Permit and Vesting Tentative Map).
4. Continue the public hearing to a date certain if Council finds that more information is needed before making a decision.

STAFF RECOMMENDATION

Alternative 1: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map subject to the revised recommended conditions of approval in Attachment 4 of the report.

Staff supports the Planning Commission action for the project and recommends denial of the appeal subject to the revised conditions of approval. The project meets all development criteria except front setbacks, building height and distances between buildings, which staff feels is reasonable given the unique size and shape of the property, while meeting all other criteria and maximizing the number of residential units on site.

Prepared by: Momoko Ishijima, Associate Planner

Reviewed by: Andrew Miner, Assistant Director of Community Development

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

Attachments to Report to Planning Commission

1. Noticing and Vicinity Map
2. Project Data Table
3. Recommended CEQA, Special Development Permit, & Tentative Map Findings
4. Recommended Conditions of Approval (**Updated for City Council Hearing**)
5. Mitigated Negative Declaration
6. Site and Architectural Plans
7. Applicant Project Description
8. Green Point Rated Checklist
9. Transportation Demand Management Plan
10. Letters from the Public

Additional Attachments for Report to Council

11. Planning Commission Report of April 23, 2018 (*without attachments*)
12. Planning Commission Minutes of April 23, 2018
13. Appeal Letter
14. Opposition Memo from Applicant's Legal Counsel