



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 24-0603, Version: 1

REPORT TO COUNCIL

SUBJECT

Proposed Project: Related applications on three sites totaling 1.74 acres:

GENERAL PLAN AMENDMENT: Amend the General Plan land use designation from Commercial to either Medium Density (15-24 du/ac) or High Density (25-36 du/ac) Residential.

REZONE: Rezone from Neighborhood Business with a Planned Development combining district (C-1/PD) to either Medium Density Residential (R-3) or High Density Residential (R-4) with a Mixed Use (MU) and Planned Development (PD) combining district.

File #: 2022-7146

Location: 1313 South Wolfe Road (APNs 309-10-026 and 309-10-027) and 898 East Fremont Avenue (APN 309-10-015)

Current Zoning: C-1/PD (Neighborhood Business with a Planned Development combining district)

Applicant / Owner: 4Terra Investments (applicant)/Desmond Family Real Estate Limited Partner (Owner)

Environmental Review: Mitigated Negative Declaration

Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on April 22, 2024.

The Planning Commission voted 7-0 to recommend approval of Alternative 1 (listed in the recommendation section of the report) with minor revisions to the Recommended Findings (Attachment 3), Draft Resolution (Attachment 4), and Draft Ordinance (Attachment 5) to state that environmental mitigation measures will be part of the conditions of approval of future development projects, not for the proposed General Plan Amendment and Rezoning. Two members of the public spoke in support of the item. Attachments 3, 4 and 5 have been updated to modify the language as recommended by the Planning Commission.

During the discussion, the Planning Commission asked questions on the feasibility and potential tenants of the commercial component; housing density options; reasons for the Planned Development combining district; soil contamination from gas station site; and future widening of Wolfe Road. See Attachment 12 for an excerpt of the Draft Planning Commission minutes.

PUBLIC CONTACT

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

ALTERNATIVES

1. Take the following actions:
 - a. Make the findings required by CEQA (Attachment 3) and adopt the Mitigated Negative Declaration (Attachment 10);
 - b. Adopt a Resolution (Attachment 4) to amend the General Plan Designation for the two parcels at 1313 South Wolfe Road from Commercial to Medium Density Residential;
 - c. Make the finding that the General Plan Amendment and rezoning are deemed to be in the public interest (Attachment 3); and
 - d. Introduce an Ordinance (Attachment 5) to rezone 1313 South Wolfe Road (APN 309-10-026) from Neighborhood Commercial with a Planned Development Combining District (C-1/PD) to Medium Density Residential with a Mixed-Use Combining District (R-3/MU) and 1313 South Wolfe Road (APN 309-10-027) from C-1/PD to Medium Density Residential with a Planned Development Combining District (R-3/PD).
2. Make the Findings required by CEQA and Amend the General Plan Designation for the two parcels at 1313 South Wolfe Road from Commercial to High Density Residential; and Rezone 1313 South Wolfe Road (APN 309-10-026) from C-1/PD to High Density Residential with a Mixed-Use Combining District (R-4/MU) and Rezone 1313 South Wolfe Road (APN 309-10-026) from C-1/PD to High Density Residential with a Planned Development Combining District (R-4/PD).
3. Make the Findings required by CEQA and Amend the General Plan Designation of all three parcels in the study area from Commercial to Medium Density Residential and Rezone from C-1/PD to R-3/PD.
4. Make the Findings required by CEQA and Amend the General Plan Designation of all three parcels in the study area from Commercial to High Density Residential and Rezone from C-1/PD to R-4/PD.
5. Do not amend the General Plan or Zoning for the study area.
6. Do not make the CEQA Findings and direct staff as to where additional environmental review is required.

STAFF RECOMMENDATION

Alternative 1: Take the following actions:

- a. Make the findings required by CEQA (Attachment 3) and adopt the Mitigated Negative Declaration (Attachment 10);
- b. Adopt a Resolution (Attachment 4) to amend the General Plan Designation for the two parcels at 1313 South Wolfe Road from Commercial to Medium Density Residential;
- c. Make the finding that the General Plan Amendment and rezoning are deemed to be in the public interest (Attachment 3); and
- d. Introduce an Ordinance (Attachment 5) to rezone 1313 South Wolfe Road (APN 309-10-026) from Neighborhood Commercial with a Planned Development Combining District (C-1/PD) to Medium Density Residential with a Mixed-Use Combining District (R-3/MU) and 1313 South Wolfe Road (APN 309-10-027) from C-1/PD to Medium Density Residential with a Planned Development Combining District (R-3/PD).

Staff recommends no land use changes for Site 1 (898 East Fremont Avenue, APN 309-10-015) and approval of the proposed medium-density residential General Plan and Zoning designations for Site 2 (1313 South Wolfe Road, *vacant*, APN 309-10-026) and Site 3 (1313 South Wolfe Road, APN 309-10-027), as it would provide a contiguous General Plan land use designation and nearly identical zoning designation with the adjacent site to the south. The conversion of commercial to medium-density residential on these sites is appropriate because the sites are physically suitable for residential use,

and the future uses would be compatible with the neighborhood. The proposed land use change will increase development feasibility without negatively impacting the City's General Fund. The proposed Mixed-Use combining district for Site 2 would result in new commercial areas comparable to the size of the existing commercial area, thereby supporting the General Plan goals for creating a diverse and balanced community. The Planned Development combining district is retained for Site 3 to help the project achieve superior design and provide community benefits. In addition, there are adequate controls in the Sunnyvale Municipal Code, Citywide Objective Design Standards, and the public discretionary review process to ensure neighborhood compatibility is properly addressed with future site-specific development proposals.

LEVINE ACT

The Levine Act (Gov. Code Section 84308) prohibits city officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than \$250 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

A check or "Y" in the checklist below indicates that the action being considered falls under a Levine Act category or exemption:

SUBJECT TO THE LEVINE ACT

- Land development entitlements*
 - *GP amendment and rezone initiated by applicant*
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

Prepared by: Mary Jeyaprakash, Senior Planner
Reviewed by: George Schroeder, Principal Planner
Reviewed by: Shaunn Mendrin, Planning Officer
Reviewed by: Trudi Ryan, Director of Community Development
Reviewed by: Christine Velasquez, Economic Development Manager
Reviewed by: Connie Verceles, Deputy City Manager
Approved by: Sarah Johnson-Rios, Acting City Manager

ATTACHMENTS

1. Report to Planning Commission [24-0412, April 22, 2024] (without attachments)
2. Noticing and Vicinity Map
3. Recommended Findings (*updated with Planning Commission modifications and to reflect City Council as decision maker*)
4. Draft Resolution and Map (*updated*)
5. Draft Ordinance and Map (*updated*)

6. Table with Comparison of Development Standards
7. Applicant's Conceptual Site Plan
8. General Plan Goals and Policies
9. Economic Evaluation Report
10. Initial Study - Mitigated Negative Declaration
11. Public Comments

Additional Attachments for Report to Council

12. Excerpt of Draft Minutes of the Planning Commission Meeting of April 22, 2024