



City of Sunnyvale

Agenda Item

19-0204

Agenda Date: 2/13/2019

REPORT TO THE ZONING ADMINISTRATOR

File #: 2019-7066

Location: 311 South Mathilda Avenue (APN: 165-13-050)

Applicant / Owner: Bay West Development (applicant) / C B Development 5no Five Inc (owner)

Proposed Project:

Minor modification to an approved Vesting Tentative Map (2017-7379) for 75 residential condominium units and one commercial parcel

Reason for Permit: A Tentative Parcel Map is required to subdivide a property into four or fewer lots.

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

Recommendation: Approve with the recommended conditions.

PROJECT DESCRIPTION

	Existing	Proposed
General Plan	Downtown Specific Plan	Same
Zoning District	DSP Block 15	Same
Number of Parcels	1	1
Parcel Size	44,111 sq. ft.	41,486 sq. ft.

Previous Planning Projects related to Subject Application:	Yes
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements	No

Background

The Use Permit (#1307) for the construction of a Denny's restaurant was approved by the Planning Commission on July 11, 1966. The 4,057-square foot one-story restaurant building was constructed in 1967 and has been in continuous operation as a 24-hour restaurant.

The Downtown Specific Plan was adopted by the City Council in 2003 (updated in 2013) and contains policies, design guidelines, and development standards for the approximately 125-acre plan area bounded by the railroad to the north, Bayview Avenue to the east, El Camino Real to the south, and Charles Street to the west. The project site is located on Block 15, which is on the west boundary of the Downtown Specific Plan. Block 15 is bounded by South Mathilda Avenue to the east, Charles Street to the west, West McKinley Avenue to the north, and West Iowa Avenue to the south. Block 15

is designated for very high density housing (total 152 units in the block) and a maximum of 10,000 square feet of retail commercial as primary uses.

On June 25, 2018, the Planning Commission approved a Special Development Permit and a Vesting Tentative Map (#2017-7379) to redevelop the commercial site (Denny's) into a five-story mixed-use building consisting of 4,860 square feet of restaurant floor area and 75 residential units utilizing the State Density Bonus and City's Green Building Incentive for density bonus. On September 11, 2018, City Council denied an appeal by the Residents of Charles Street 300/400 Block of the decision by the Planning Commission.

Tentative Parcel Map

The approved Vesting Tentative Map was for 75-residential condominium units and one commercial condominium unit. With this application, the map will be modified to 75-residential condominium units and one commercial parcel. The Vesting Tentative Map would be a single parcel; however, following entitlement and prior to the final map recordation, the airspace for the entire residential portion as one bulk condominium lot and the commercial parcel would be mapped as another lot through the condominium map process. This would allow for the commercial lot to be separated from the residential lot.

Public Improvements

No off-site or on-site improvements are proposed or required as a result of the Tentative Parcel Map. Improvements are being completed pursuant to the requirements of the previously approved development permit (#2017-7379).

Public Contact: 80 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 15 (minor land divisions) relieves this project from CEQA provisions.

FINDINGS

In order to deny the Tentative Map the following findings must be made:

1. That the proposed map is not consistent with the general plan, or with any applicable specific plan. [Finding Not Met]

The design of the subdivision is consistent with the General Plan and the Downtown Specific Plan.

2. That the design or improvement of the proposed subdivision is not consistent with the general plan or with any applicable specific plan. [Finding Not Met]

The subdivision does not involve any additional improvements on the site, nor does it grant any development rights. The property is being developed under a previously approved permit (#2017-

7379).

3. *That the site is not physically suited for the proposed type of development. [Finding Not Met]*

The subdivision does not involve any additional proposed development.

4. *That the site is not physically suitable for the proposed density of the development. [Finding Not Met]*

The subdivision does not involve any additional proposed development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Finding Not Met]*

The subdivision does not involve any additional improvements on the site, nor does it grant any development rights. An Initial Study/Mitigated Negative Declaration was prepared to address potential impacts of the previously approved development on the site. No additional environmental impacts will result from the proposed subdivision.

6. *That the design of the subdivision of type of improvements is likely to cause serious public health problems. [Finding Not Met]*

The subdivision does not involve any additional improvements on the site, nor does it grant any development rights. The footprint lot proposed as part of the subdivision is intended to assist in financing and property management. No public health impacts will result from the proposed subdivision.

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. [Finding Not Met]*

There are public utility easements located on the subject site, but they are located outside the building footprint areas and are not affected by 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 this title. [Finding Not Met]*

The proposed subdivision is consistent with the Subdivision Map Act and the Sunnyvale Municipal Code. The subdivision creates legal lot bounded by the footprint of the approved development on the site.

ALTERNATIVES

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

RECOMMENDATION

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

Prepared by: Momoko Ishijima, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

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