

## 4.6 LAND USE AND PLANNING

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### INTRODUCTION

This section of the EIR addresses existing land uses at the project sites for the Sares Regis and Raintree projects and land uses in the immediate surroundings. The projects' compatibility with nearby land uses and with the City's General Plan policies is also evaluated.

### ENVIRONMENTAL SETTING

#### EXISTING LAND USES ON THE PROJECT SITES

The discussion below addresses existing land uses at the two project sites, as well as on-site easements.

##### *Sares Regis Site*

The Sares Regis site is now occupied by one vacant, single-story industrial/commercial/manufacturing building that is approximately 63,000 square feet in size. This building has been vacant for over five years. Ancillary facilities include a paved parking area at the perimeter of the building, on-site landscaping, and attached hazardous materials storage areas that were closed in 2007. This building was built between 1980 and 1983 and most recently contained semiconductor manufacturing facilities and office uses. Access is provided from the end of East Weddell Drive.

Easements on the Sares Regis site are located at the perimeter of the site (see Figure 3-12). A public utilities easement owned by the City of Sunnyvale forms a "bulb" at the project entrance at the termination of East Weddell Drive to allow a turnaround for vehicles. A 10-foot right-of-way branches off of this bulb to allow for an existing PG&E easement that serves the existing building. This easement will be removed with the new project. Other easements at the north, east, and south edges of the site include gas pipeline easements, storm drains, and other utilities.

##### *Raintree Site*

The Raintree site is now occupied by the Fair Oaks Business Park, which includes 15 single-story light manufacturing and office buildings with about 605 surface parking spaces. Landscaping is located throughout the business park and within the surface parking areas. Three driveways on East Weddell Drive provide access to the site.

Easements on the Raintree site are also located at the perimeter of the site, except for a public utilities easement crossing the center of the site, where the land owned by the San Francisco Public Utilities Commission (SFPUC) divides Parcel A from Parcel B (see Figure 3-14). The Hetch Hetchy water transmission pipeline is located within this SFPUC parcel. The easements at the

perimeter of the Raintree site include sanitary sewers, drainage facilities, sidewalks, water mains, and communication equipment.

## **SURROUNDING LAND USES**

### *Sares Regis Site Surroundings*

U.S. Highway 101 (Highway 101) is located directly south of the Sares Regis site. A northbound exit lane from the highway that joins with North Fair Oaks Avenue curves along the southwestern edge of the site. Land uses on the south side of Highway 101 include residential uses (low to high density) and mobile home uses (see Figure 3-2).

The land immediately north of the Sares Regis site is owned by the SFPUC. Within the SFPUC right-of-way is the underground transmission pipeline that brings Hetch Hetchy Reservoir water from the Sierra Nevada to the City and County of San Francisco and its water customers. Any landowner or project sponsor seeking to use the SFPUC property is required to obtain a license or lease from the SFPUC (SFPUC, 2013). Structures within the right-of-way are strictly prohibited, and an adjacent property owner may not use the right-of-way to fulfill the open space, emergency access, or other development requirements (SFPUC, 2013).

Currently, the SFPUC land is occupied partially by a parking lot and is not improved. However, lands to the east and west that are also owned by the SFPUC have been improved for pedestrian and bicycle use and are part of the John W. Christian Greenbelt. This greenbelt is a regional trail managed by the City of Sunnyvale from Orchard Gardens Park (to the west) to Manzano Way (to the east), passing through Lakewood Park. Farther north, on the north side of the SFPUC land, are the Pacific Gas & Electric (PG&E) substation called the Fair Oaks Substation and a mobile home park (El Dorado Mobile Home Park) with access via Avenue A and 1<sup>st</sup> Street. The East Channel Trail, a planned multi-use trail right-of-way owned by Santa Clara Valley Water District and proposed by the City, is located east of the Fair Oaks Substation and will connect the greenbelt to the Fair Oaks light rail train station. In this location the Santa Clara Valley Water District operates the East Channel flood control system, which continues north and south of the project site. Although there are no trail improvements, pedestrians and bicyclists informally use the channel maintenance road.

Also east of the Sares Regis site are the Lakehaven Townhome community (15 townhomes) and the larger Lakewood residential neighborhood, the latter of which includes single-family homes, a park, a neighborhood shopping center, and a school. PG&E maintains electrical transmission lines immediately to the east of the Sares Regis site on land owned by the Lakehaven Townhome community.

As mentioned earlier, a Highway 101 off-ramp is located west of the Sares Regis site. The North Fair Oaks Avenue overpass crosses Highway 101 to the southwest of the site. Farther west of the Highway 101 off-ramp are divided lanes of North Fair Oaks Avenue and the Raintree site (see Figure 3-2), which is described above.

### *Raintree Site Surroundings*

Land uses surrounding the Raintree site include Highway 101, residential uses, institutional uses, and office uses. Similar to the Sares Regis site, the Raintree site is bordered by Highway 101 to the south, with the highway overpass providing access for vehicles, pedestrians, and bicyclists along North Fair Oaks Avenue. A mobile home park and single-family and multi-family homes are located south of Highway 101. Columbia Middle School is set within this residential neighborhood to the south. Lands owned by the SFPUC divide Parcel A from Parcel B within the Raintree site. As stated above, use of such lands requires a license or lease from the SFPUC and specific restrictions apply.

West of the Raintree site are institutional and office buildings with uses such as UPS Freight, the New Hope International Church, Sunnyvale Health & Fitness, and other non-residential uses. A recently completed three-story townhome development is also west of the Raintree site, as is the future Seven Seas Park, currently under design as a 4.3-acre neighborhood park. The park is anticipated for completion in 2014.

The area north and east of the Raintree site has been transitioning from one-story industrial uses to medium- and high-density residential uses. Immediately west and north of East Weddell Drive are three-story townhome buildings constructed in 2007-2008. Other uses north of the site include office buildings, a restaurant, and medium- to high-density residential development.

## **GENERAL PLAN DESIGNATIONS FOR PROJECT SITES AND SURROUNDINGS**

### *Sares Regis Site General Plan Designations*

The existing land use designation for the Sares Regis site in the City's General Plan is "Industry" as shown in **Figure 4.6-1**. This existing designation has corresponding zoning categories of M-S Industrial Service and M-3 General Industrial. There is only one industrial General Plan category in the City's General Plan.

The City's 2011 General Plan states:

*With regard to commercial and industrial space, the adopted 1997 Land Use and Transportation Element of the General Plan would accommodate a total of 49 million square feet more than currently exists. At today's intensity of building use, this would yield a total of about 160,000 jobs. When this figure is compared to the City's 2025 projection of 109,570 jobs for the City, it is apparent that Sunnyvale has more than adequate space for projected job growth.*

The applicant for the Sares Regis project has proposed a General Plan designation of "Residential High Density (27 to 45 dwelling units per acre)." In 2012, the Sunnyvale City Council authorized the study of a range of densities for both the Sares Regis site and the Raintree site. Thus, this EIR addresses the "Applicant Proposed Scenario" General Plan designation of Residential High Density and the City-initiated "Full Buildout Scenario" of maximum development under the General Plan designation of "Residential Very High Density (45 to 65 dwelling units/acre)."

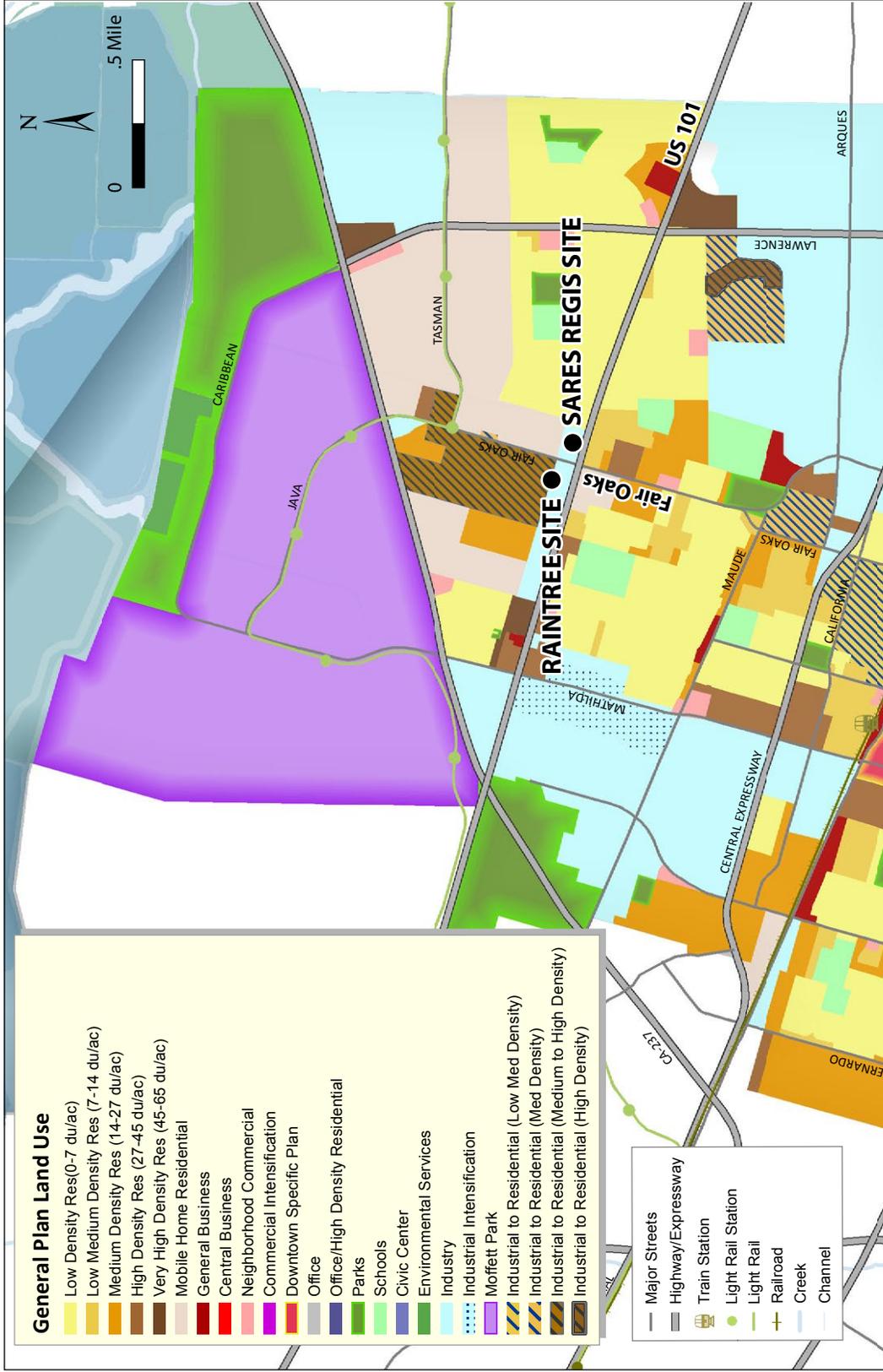


Figure 4.6-1

CITY OF SUNNYVALE GENERAL PLAN MAP

SOURCE: City of Sunnyvale, 2013



The Residential High Density General Plan designation has a corresponding zoning category of R-4 High Density Residential; the Residential Very High Density General Plan designation has a corresponding zoning category of R-5 High Density Residential/Office. The allowed uses and land use restrictions associated with the zoning categories are addressed in more detail below under “Zoning of Project Sites and Surroundings.”

#### *Raintree Site General Plan Designations*

The existing land use designations for the Raintree site in the City’s General Plan are “Industry” for Parcel B and “Industrial to Residential (Medium to High Density)” for Parcel A as shown in Figure 4.6-1. These existing designations have corresponding zoning categories of M-S Industrial Service and M-3 General Industrial for the “Industry” designation and ITR Industrial to Residential (ITR/R-3 and ITR/R-4) for the “Industrial to Residential” designation. There is only one industrial General Plan category in the City’s General Plan.

In 1988, the City of Sunnyvale initiated the “Futures Study” project that was to address land use policies and patterns that would bring housing units to Sunnyvale to house the city’s workforce (City of Sunnyvale, 1993). The main objective of the study was to identify sites designated for and developed with industrial and commercial uses that could be changed to residential use, and to identify sites for commercial/industrial intensification. Such intensification was to provide for new commercial services and industrial intensities to partially offset the loss of potential jobs that would occur with the loss of industrially zoned land. About 16 sites throughout the city were addressed for either conversion to residential use or commercial/industrial intensification. The Futures Study was completed in 1993. Six industrial areas were rezoned to the Industrial to Residential (ITR) Combining District (from the previous M-S Industrial and Services). Future Sites 7, in which a portion of the Raintree site sits, is bounded by Highway 237 to the north, Fair Oaks Drive to the east, the SFPUC Hetch Hetchy right-of way to the south, and Morse Avenue to the west. The boundary of the SFPUC right-of-way was established to allow a buffer for new residential development from Highway 101 to address noise and air quality concerns. Thus, Parcel B of the Raintree site has remained in the Industrial designation.

A subsequent study in 2003 resulted in a change to the General Plan designation for Futures Site 7 area, allowing a range of densities between 14 and 42 dwelling units per acre. Thus, the current General Plan designation for the Raintree site Parcel A is ITR (Industrial to Residential Medium to High Density). No General Plan amendment is proposed for this portion of the site.

The applicant for the Raintree site has proposed a General Plan designation of “Residential High Density (27 to 45 dwelling units per acre)” for Parcel B of the overall site. As mentioned above, in 2012, the Sunnyvale City Council authorized the study of a range of densities for both the Sares Regis site and the Raintree site. Thus, this EIR addresses the “Applicant Proposed Scenario” General Plan designations of Residential High Density for Parcel B and ITR for Parcel A and the City-initiated “Full Buildout Scenario” of maximum development under the General Plan designation of “Residential Very High Density (45 to 65 dwelling units/acre)” for Parcel B.

The Residential High Density General Plan designation has a corresponding zoning category of R-4 High Density Residential; the Residential Very High Density General Plan designation has a corresponding zoning category of R-5 High Density Residential/Office. The allowed uses and land

use restrictions associated with the zoning categories are addressed in more detail below under “Zoning of Project Sites and Surroundings.”

### *Surrounding General Plan Designations*

As shown in Figure 4.6-1, a large portion of the Fair Oaks “triangle” (bordered by Highway 237 and Highway 101) is composed of land designated as Industrial to Residential (Medium to High Density). The largest area includes Parcel A of the Raintree site and the lands to the north, bordered by North Fair Oaks Avenue to the east. Parcel A of the Raintree site forms the southern boundary of this ITR area. West of this ITR area, lands are designated Medium Density Residential and Mobile Home Residential. South of the ITR area (including Parcel B of the Raintree site), lands are designated Industrial.

On the east side of North Fair Oaks Avenue, where the Sares Regis site is located, lands are designated Industrial on the north side of Highway 101 (Sares Regis site), Mobile Home Residential, and Low Density Residential. Residential designations predominate in this portion of the triangle bounded by Highway 237, Highway 101, Lawrence Expressway, and North Fair Oaks Avenue.

## **ZONING OF PROJECT SITES AND SURROUNDINGS**

### *Sares Regis Site Zoning*

As shown in **Figure 4.6-2**, the Sares Regis site has an existing zoning of M-S/PD (Industrial and Service/Planned Development). As stated in the City’s Zoning Code, the M-S industrial and service district is “reserved for the construction, use and occupancy of buildings and facilities for offices, research, limited manufacturing, hotels and motels, restaurants, financial uses, retail sales and services, professional services and other uses compatible with the zoning district” (City of Sunnyvale, 2013).

This zoning permits a wide variety of commercial and industrial uses; however, many of the uses require a conditional use permit. Under the existing M-S/PD zoning, residential uses (alone or combined with other uses compatible with the zoning district) are allowed with a Special Development Permit. For some permitted uses, a limit on floor area ratio (FAR) of 35 percent applies. The FAR refers to the total gross floor area of the development as compared to the size of the site. For example, an FAR of 0.35 on a 1-acre site would allow 15,246 square feet of development. For commercial storage and warehouses in the M-S district, an FAR of 50 percent applies.

The PD zoning for the Sares Regis site is a “combining” district that was established to provide modifications, additions, and limitations to other zoning districts to meet special conditions and situations within such zoning districts. The PD district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation, and public benefit as stated in Section 19.26.020 of the City’s Zoning Code.

**Table 4.6-1 Projects Relationship to City of Sunnyvale General Plan Policies**

Goal/Policy	Applicant Proposed Scenario Relationship to Policy	Full Buildout Scenario Relationship to Policy
<ul style="list-style-type: none"> <li>▪ <b>Policy HE-4.3</b> Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.</li> <li>▪ <b>Policy HE-4.6</b> Provide expanded areas for higher density housing through the conversion of underutilized industrial areas to residential use, if the sites are fit for residential uses (i.e. no health hazards exist).</li> </ul>	<p>unit count.</p> <p>In terms of Policy HE-4.6, both projects would provide for higher-density housing through conversion of industrial areas.</p>	
<p><b>GOAL HE-6 Sustainable Neighborhoods</b> – Maintain sustainable neighborhoods with quality housing, infrastructure and open space that fosters neighborhood character and the health of residents. <i>(Housing Goal F / Adopted in 2009)</i></p> <ul style="list-style-type: none"> <li>▪ <b>Policy HE-6.1</b> Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.</li> <li>▪ <b>Policy HE-6.2</b> Promote neighborhood vitality by providing adequate community facilities, infrastructure, landscaping and open space, parking, and public health and safety within new and existing neighborhoods.</li> <li>▪ <b>Policy HE-6.6</b> Encourage use of sustainable and green building design in new and existing housing.</li> <li>▪ <b>Policy HE-6.7</b> Continue to permit and encourage a mix of residential and job-producing land uses, as long as there is neighborhood compatibility and no unavoidable environmental impacts.</li> </ul>	<p>In terms of Policy HE-6.1, the Sares Regis and Raintree projects would result in quality housing in two neighborhoods that have traditionally been occupied by industrial/office uses. The Fair Oaks neighborhood of the city has traditionally included many industrial buildings as shown in Figure 2-8 of the City’s General Plan.</p> <p>In its “Futures Study” (City of Sunnyvale, 1990), the City addressed citywide land use patterns and the potential to convert some lands designated for industrial/commercial uses to residential uses. Parcel A of the Raintree site was one such parcel. Part of the basis of this study was to encourage a more balanced land use by encouraging residential development in a City where job-generating land uses predominated.</p> <p>The proposed Raintree development of Parcel A would be completely compatible with Policy HE-6.1. The Parcel B Raintree parcel and residential development of the Sares Regis site would further expand the City’s housing base even though these sites were not originally proposed as part of this “transition” area.</p> <p>No “community” facilities would be provided by the projects, in terms of Policy HE-6.2. On-site amenities (recreational, parking, and other facilities) would be for project residents only. However, the overall neighborhood vitality would be promoted by increasing local landscaping and adding residential buildings in keeping with existing neighborhoods.</p> <p>Sustainable and energy-efficient building design would occur as</p>	<p>The relationship of the Full Buildout Scenario to these policies would be similar to the Applicant Proposed Scenario. Highway 101 creates a significant “neighborhood barrier” for the project sites on their south sides, resulting site development being oriented to the north where existing residential uses exist. The increased density of the Full Buildout Scenario is not as compatible with existing residential uses as the Applicant Proposed Scenario.</p>

**Table 4.6-1 Projects Relationship to City of Sunnyvale General Plan Policies**

Goal/Policy	Applicant Proposed Scenario Relationship to Policy	Full Buildout Scenario Relationship to Policy
<p><b>GOAL SN-1 Acceptable Levels of Risk for Natural and Human-Caused Hazards</b> – Ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community, and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.</p> <ul style="list-style-type: none"> <li>▪ <b>Policy SN-1.1</b> Evaluate and consider existing and potential hazards in developing land use policies. Make land use decisions based on an awareness of the hazards and potential hazards for the specific parcel of land.</li> <li>▪ <b>Policy SN-1.5</b> Promote a living and working environment safe from exposure to hazardous materials.</li> </ul>	<p>described in Chapter 3 of this EIR (per Policy HE-6.6).</p> <p>In terms of Policy HE-6.7, new residential development at the medium- to high-density range would be provided. Environmental impacts of these projects are evaluated throughout this EIR.</p> <hr/> <p>In terms of Goal SN-1 and associated policies, this EIR addresses potential hazards and environmental impacts associated with the two projects, for both the Applicant Proposed Scenario and the Full Buildout Scenario.</p> <p>The issue of exposure to hazardous materials/ hazards and the issue of air toxins are addressed in the hazards and air quality sections of this EIR, respectively, which found that mitigation measures should be implemented to reduce potential impacts to less-than-significant levels.</p>	<p>The relationship of the Full Buildout Scenario to these policies would be similar to the Applicant Proposed Scenario.</p>

## CUMULATIVE IMPACTS

The cumulative analysis for land use impacts considers the immediate surroundings of the project sites (e.g., two-block radius). As shown in Table 6-1 in Chapter 6, no projects are pending or approved within the two-block radius surrounding the project sites. Thus, the projects would not contribute to cumulative land use impacts as related to policy consistency and no mitigation measures would be necessary.

## REFERENCES

City of Sunnyvale, 1990, *Futures Study Environmental Impact Report*, June.

City of Sunnyvale, 1993, *Final Environmental Impact Report: Sunnyvale Futures Study*, June.

City of Sunnyvale, 2010, *Horizon 2035: Existing Land Use Conditions and Background*, July.

City of Sunnyvale, 2011, *Sunnyvale General Plan*.

City of Sunnyvale, 2013, Zoning Code as found on the City's website at <http://qcode.us/codes/sunnyvale/>, viewed on April 23, 2013.

San Francisco Public Utilities Commission, 2013, Letter to Hanson Hom, Director of Community Development, City of Sunnyvale, April 30.